

HOUSE JOURNAL

SEVENTY-FOURTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-SIXTH DAY — THURSDAY, MAY 4, 1995

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 295).

Present — Mr. Speaker; Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solis; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgenuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

The invocation was offered by Reverend James W. Nutter, Palmer Memorial Episcopal Church, Houston, as follows:

Gracious and heavenly Father, we give you thanks for this day, this opportunity to serve you, and for this great state and mighty nation in which we are fortunate enough to live. We pray for your guidance and inspiration to fill this place and all who work here. May your will be manifest in their actions and your pleasure in their words. May you give us compassion and courage, wisdom and patience, kindness and conviction. Help all those who are gathered here to rise above partisan struggles which can distract us from the truth and which can destroy all good works. We pray that you would make us faithful stewards of the talents you have showered upon us, remembering always that one day each of us will give an account of the work and responsibilities you have entrusted to our care. In all the work of this body, may justice roll down like water and righteousness like an ever-flowing stream. May charity outstrip strife, understanding overcome enmity, goodness eclipse discord, clarity outshine confusion. In all things may these your servants walk humbly with you and with the one we call the Prince of Peace, Lord of Lords, and Kings of Kings, your son, Jesus Christ.

SIGNED BY THE SPEAKER

The speaker signed in the presence of the house, after giving due notice thereof, the following enrolled bills and resolutions:

HB 44, HB 462, HCR 65, HCR 191, SB 279, SB 401, SB 403, SB 897, SCR 16

MESSAGE FROM THE SENATE

Austin, Texas, May 4, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 374 by Armbrister, relating to the review and continuation of certain state agencies subject to the Texas Sunset Act.

SB 628 by Madla, et al., relating to access to pharmaceutical services through certain managed care health plans.

SB 673 by Madla, Cain, Turner, Jim, et al., relating to health care, including powers and duties of the center for rural health initiatives, powers and duties of registered nurses and physician assistants, managed health care plans for certain inmates, and health facilities and services for the elderly or disabled.

SB 1361 by Shapiro, relating to the definition of the terms "emergency medical care," "emergency care," and "emergency services."

SB 1596 by Leedom, et al., relating to arbitration of alleged violations of law relating to convalescent and nursing homes and related institutions.

SB 1618 by Armbrister, relating to the certification of providers by health maintenance organizations.

SB 1637 by Sibley, relating to the approval and use of certain life, health, and accident insurance policy forms.

Respectfully,
Betty King
Secretary of the Senate

RESOLUTIONS REFERRED TO COMMITTEES

The following resolutions were laid before the house and referred to committees:

By Van de Putte,
HCR 194, Designating May 9, 1995, as Texas Clinical Nutrition Day.
To Committee on Rules and Resolutions.

By Greenberg,
HR 781, In memory of Harriet Olsen Nagel.
To Committee on Rules and Resolutions.

By Allen,

HR 782, Honoring the Truman Middle School participants in the 1995 Texas Math & Science Coaches Association Middle School Championship.
To Committee on Rules and Resolutions.

By Counts,

HR 783, In memory of Lawrence Mitchell Hall.
To Committee on Rules and Resolutions.

By Counts,

HR 784, In memory of Elbert Benjamin Whorton, Sr.
To Committee on Rules and Resolutions.

By Madden,

HR 786, Honoring Shawn Phillip Glover.
To Committee on Rules and Resolutions.

By Kuempel,

HR 788, In memory of Evelyn Mina Borchers Randow.
To Committee on Rules and Resolutions.

By Yost,

HR 789, Proclaiming Gladewater as the Antique Capital of East Texas.
To Committee on State, Federal, and International Relations.

By Yost,

HR 790, Honoring Dan Noll.
To Committee on Rules and Resolutions.

By Yost,

HR 791, Honoring students from White Oak High School.
To Committee on Rules and Resolutions.

By Conley,

HR 792, Paying tribute to the life of Paul Pytel of the San Antonio Park Rangers.
To Committee on Rules and Resolutions.

SENATE BILLS ON FIRST READING

The following senate bills were today laid before the house, read first time, and referred to committees:

SB 94 to Committee on Elections.

SB 272 to Committee on Criminal Jurisprudence.

SB 558 to Committee on Business and Industry.

SB 676 to Committee on Criminal Jurisprudence.

SB 973 to Committee on Public Health.

SB 1335 to Committee on Urban Affairs.

SB 1346 to Committee on State Affairs.

SB 1377 to Committee on Land and Resource Management.

SB 1492 to Committee on Ways and Means.

CAPITOL PHYSICIAN

Speaker Laney presented Dr. Ramon Garcia of Del Rio as the "Doctor for the Day."

The house welcomed Dr. Garcia and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

HR 795 - ADOPTED

Representative Maxey moved to suspend all necessary rules to take up and consider at this time **HR 795**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Maxey,

HR 795, Congratulating Mrs. Johnnie Massey on her birthday.

The resolution was adopted without objection.

HR 796 - ADOPTED

Representative Bailey moved to suspend all necessary rules to take up and consider at this time **HR 796**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Bailey,

HR 796, Honoring Aldine Youth Organization United to Help.

The resolution was adopted without objection.

HR 797 - ADOPTED

Representative Bailey moved to suspend all necessary rules to take up and consider at this time **HR 797**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Bailey,

HR 797, In memory of Houston police officer Michael P. Roman.

The resolution was unanimously adopted by a rising vote.

HR 798 - ADOPTED

Representative Bailey moved to suspend all necessary rules to take up and consider at this time **HR 798**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Bailey,

HR 798, In memory of Harris County Deputy Sheriff Ricky Aaron Yates.
The resolution was unanimously adopted by a rising vote.

HR 800 - ADOPTED

Representative Puente moved to suspend all necessary rules to take up and consider at this time **HR 800**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Puente,

HR 800, Welcoming a delegation of students from Page Middle School and Rogers Middle School to the State Capitol.

The resolution was read and was adopted without objection.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business:

Solis on motion of Gutierrez.

RULES SUSPENDED

Representative Stiles moved to suspend all necessary rules to take up and consider all third reading bills on the calendar before consideration of **SB 1**.

The motion prevailed without objection.

SB 365 ON THIRD READING **(Gray - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

SB 365, A bill to be entitled An Act relating to the continuation and functions of the Texas Historical Commission and to the abolition of the Antiquities Committee and the transfer of the committee's functions to the commission.

The bill was read third time and was passed.

SB 368 ON THIRD READING **(Black - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

SB 368, A bill to be entitled An Act relating to the continuation and functions of the Equine Research Account Advisory Committee.

The bill was read third time and was passed.

SB 409 ON THIRD READING **(Junell - House Sponsor)**

The speaker laid before the house, on its third reading and final passage,

SB 409, A bill to be entitled An Act relating to the accounting treatment of premium and discount associated with the purchase of certain securities for the permanent school fund.

The bill was read third time and was passed.

SB 410 ON THIRD READING
(Junell - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 410, A bill to be entitled An Act relating to the delay of certain payments or transfers from the general revenue fund.

A record vote was requested.

The bill was read third time and was passed by (Record 296): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Averitt; Bailey; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberston; Danburg; Davila; Davis; De La Garza; Dear; Denny; Driver; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Hefflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Sadler; Seidlits; Serna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Solis.

Absent — Berlanga; Delisi; Dukes; Horn; Place; Reyna; Saunders; Torres.

STATEMENTS OF VOTE

When Record No. 296 was taken, I was temporarily out of the house chamber. I would have voted yes.

Delisi

When Record No. 296 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 296 was taken, I was temporarily out of the house chamber. I would have voted yes.

Horn

When Record No. 296 was taken, I was in the house but away from my desk. I would have voted yes.

Reyna

SB 31 ON THIRD READING
(Seidlits - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 31, A bill to be entitled An Act relating to the assessment of attorney's fees, costs, and damages for certain frivolous lawsuits and defenses.

The bill was read third time.

Amendment No. 1

Representative T. Hunter offered the following amendment to the bill:

Amend **SB 31** on third reading by striking Section 10.004(c), Civil Practice and Remedies Code, and substituting the following:

(c) A sanction may include any of the following:

(1) a directive to the violator to perform, or refrain from performing, an act;

(2) an order to pay a penalty into court; and

(3) an order to pay to the other party the amount of the reasonable expenses incurred by the other party because of the filing of the pleading or motion, including reasonable attorney's fees.

Amendment No. 1 was adopted without objection.

SB 31, as amended, was passed. (Brady recorded voting yes)

SB 32 ON THIRD READING
(Duncan - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 32, A bill to be entitled An Act relating to venue for civil actions.

The bill was read third time and was passed. (Brady recorded voting yes)

SB 28 ON THIRD READING
(Junell - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 28, A bill to be entitled An Act relating to responsibility for, and recovery of, damages in certain civil actions.

The bill was read third time.

Amendment No. 1

Representative Junell offered the following amendment to the bill:

Amend **SB 28** on 3rd reading as follows:

Amend 2nd reading Floor Amendment No. 1 to **SB 28** by striking the first line of Subsection 33.011(6)(B)(i) and substituting the following:

"(i) the claimant's employer, if the employer maintained workers"

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Combs offered the following amendment to the bill:

Amend **SB 28** on third reading by amending the second reading Amendment by Junell by adding an amendment (6) to read as follows:

(6) Add a new section appropriately numbered to read as follows:

SECTION _____. Notwithstanding Section 2 of this Act, Chapter 95, Civil Practice and Remedies Code, as added by this Act, takes effect September 1, 1996 and applies only to a cause of action that accrues on or after that date.

Amendment No. 2 was adopted without objection.

SB 28, as amended, was passed. (Conley recorded voting no; Brady, yes)

SB 1125 ON THIRD READING
(Holzheuser - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 1125, A bill to be entitled An Act relating to the renewal, amendment, or modification of certain emissions permits.

A record vote was requested.

The bill was read third time and was passed by (Record 297): 136 Yeas, 9 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Averitt; Bailey; Berlanga; Black; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Duncan; Dutton; Edwards; Eiland; Elkins; Farrar; Gallego; Giddings; Glaze; Goodman; Goolsby; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Longoria; Luna; Madden; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbraneck.

Nays — Bosse; Danburg; Ehrhardt; Finnell; Gray; Hirschi; Lewis, G.; Naishtat; Rodriguez.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Solis.

Absent — Alvarado; Dukes; Marchant.

SB 1126 ON THIRD READING
(Holzheuser - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 1126, A bill to be entitled An Act relating to the modification of an existing facility under the Texas Clean Air Act.

A record vote was requested.

The bill was read third time and was passed by (Record 298): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Oakley; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbrank.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Solis.

Absent — Allen; Alvarado; Longoria; Turner, S.

STATEMENTS OF VOTE

When Record No. 298 was taken, I was in the house but away from my desk. I would have voted yes.

Dukes

When Record No. 298 was taken, I would have voted yes.

S. Turner

SB 1032 ON THIRD READING
(Cook - House Sponsor)

The speaker laid before the house, on its third reading and final passage,

SB 1032, A bill to be entitled An Act relating to encumbrances that may be fixed on homestead property.

A record vote was requested.

The bill was read third time and was passed by (Record 299): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Black; Bosse; Brady; Brimer; Carona; Carter; Chisum; Coleman; Combs; Conley; Cook; Corte; Counts; Crabb; Craddick; Cuellar, H.; Cuellar, R.; Culberson; Danburg; Davila; Davis; De La Garza; Dear; Delisi; Denny; Driver; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Farrar; Finnell; Gallego; Giddings; Glaze; Goodman; Goolsby; Gray; Greenberg; Gutierrez; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Jones, J.; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Maxey; McCall; McCoulskey; McDonald; Moffat; Moreno; Mowery; Munoz; Naishtat; Nixon; Ogden; Oliveira; Park; Patterson; Pickett; Pitts; Place; Price; Puente; Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost; Zbranek.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Solis.

Absent — Allen; Clemons; Grusendorf; King; Oakley.

STATEMENT OF VOTE

When Record No. 299 was taken, I was in the house but away from my desk. I would have voted yes.

King

HB 668 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 668, A bill to be entitled An Act relating to civil remedies for deceptive trade practices and certain related consumer claims.

The bill was read third time and was passed. (Brady recorded voting yes)

HB 668 - STATEMENT OF LEGISLATIVE INTENT

The House Floor amendment to **HB 668**, as passed on second reading on May 3, 1995, in Section 11, contains various amendments to Section 4, Article 21.21, Insurance Code.

It is the intention of the authors, by including new Section 4(10) dealing with unfair settlement practices, to expressly affirm the holding in Watson v. Allstate Ins. Co., 876 S.W.2d 145 (Tex. 1994), that an automobile accident victim did not have standing to sue an insurer as a third-party beneficiary of a liability policy. This is the intention of new Section 4(10)(b), on page 32, that expressly provides that there is no cause of action created to a third party asserting one or more claims against an insured covered under a liability

insurance policy. Liability insurance policies are intended to cover all types of policies where the insurer has a duty to defend or provide coverage to an insured where a third party is asserting a claim against that insured. It is felt the new language in Article 21.21, Section 4(10)(b) expresses that intent.

Duncan
Junell
T. Hunter

HB 2441 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 2441, A bill to be entitled An Act relating to the amendment, extension, or renewal of a permit for a solid waste facility.

The bill was read third time and was passed.

HB 1111 ON THIRD READING

The speaker laid before the house, on its third reading and final passage,

HB 1111, A bill to be entitled An Act relating to the provision of protective services to persons who are elderly or disabled.

The bill was read third time.

Amendment No. 1

Representative Naishtat offered the following amendment to the bill:

Amend **CSHB 1111** on 3rd reading as follows:

1) On page 11, line 15, insert between "services" and the period "unless the court finds that an immediate danger to the health or safety of the elderly or disabled person exists and there is not sufficient time to obtain the medical report".

2) On page 12, line 14, strike "or if the department reasonably believes that there is an immediate danger to the health or safety of the elderly or disabled person and that there is not sufficient time to obtain the medical report and the emergency order required by this section.".

Amendment No. 1 was adopted without objection.

HB 1111, as amended, was passed.

SB 1 ON SECOND READING **(Sadler - House Sponsor)**

The speaker laid before the house, on its second reading and passage to third reading, the complete committee substitute for **SB 1**.

CSSB 1, A bill to be entitled An Act relating to public education and to a substantive revision of Titles 1 and 2, Education Code, governing public education, including conforming amendments, repeals, and penalties.

CSSB 1 was read second time.

(Black in the chair)

MESSAGE FROM THE SENATE

Austin, Texas, May 4, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

HB 1689 by Harris, Jack (Sponsor-Brown), relating to training for members of the governing boards of public institutions of higher education.

HB 677 by Craddick (Sponsor-Bivins), relating to the validity of certain documents to which certain notaries public fail to attach an official seal (amended).

Local and Uncontested Bills

HB 637 by Dutton (Sponsor-Henderson), relating to certification of court reporters.

HB 645 by Brimer (Sponsor-Harris,Chris), relating to municipal approval of certain amending plats.

HB 767 by Craddick (Sponsor-Bivins), relating to the terms of court of the 142nd District Court.

HB 1235 by Hartnett (Sponsor-Leedom), relating to special judges elected by the practicing lawyers of the statutory probate courts in Dallas County.

HB 1294 by Finnell (Sponsor-Brown), relating to the duties of a clerk of a justice court.

HB 1486 by Counts (Sponsor-Sims), relating to the juvenile board of Mitchell County.

HB 1503 by Yarbrough (Sponsor-Whitmire), relating to participation in, administration of, and benefits from certain municipal retirement systems.

CSHB 1552 by Cuellar, Henry (Sponsor-Zaffirini), relating to the assignment and docketing of certain cases by the district clerk of Webb County.

CSHB 1647 by Pitts (Sponsor-Ratliff), relating to purchasing and contracting authority of municipalities.

HB 1664 by Horn (Sponsor-Haywood), relating to notice of a meeting of the governing board of an institution of higher education (amended).

HB 1737 by Cook (Sponsor-Gallegos), relating to the application of the professional prosecutors law to the district attorney for the 259th Judicial District.

HB 2028 by Naishtat (Sponsor-Henderson), relating to the conduct of masters appointed to preside over certain mental health hearings.

HB 2066 by Harris, Jack (Sponsor-Armbrister), relating to enrollment in courses and programs at the University of Houston-Clear Lake and the University of Houston-Victoria.

HB 2068 by Hirschi, Finnell, et al. (Sponsor-Haywood), relating to tuition paid by air force personnel for certain courses at Midwestern State University.

HB 2183 by Uher (Sponsor-Patterson, Jerry), relating to the creation of a mass transit department in cities of a certain population.

HB 3168 by Cuellar, Henry (Sponsor-Zaffirini), relating to certain jury panels in Webb County.

SCR 124 by Zaffirini, directing the Texas Higher Education Coordinating Board to study the feasibility of establishing regional areas of principal responsibility for health professions education.

SB 527 by Bivins, relating to an automobile allowance paid to certain officers of the state or a political subdivision of the state.

SB 938 by Truan, relating to the terms of court of the 319th District Court.

SB 949 by Sims and Shapiro, relating to authorizing county commissioners to ban the introduction of contraband into county jails; providing a penalty.

SB 1029 by Haywood, relating to persons subject to regulation as telephone solicitors.

SB 1099 by Zaffirini, relating to the Interagency Council on Early Childhood Intervention.

SB 1158 by Sibley, relating to the use of a caller identification service by commercial mobile radio service providers licensed by the Federal Communications Commission.

SB 1175 by Lucio, relating to advocates for survivors of sexual assault and to confidential communications; providing a criminal penalty.

SB 1249 by Montford, relating to court coordinators and computer equipment for certain district courts.

SB 1278 by Luna, Gregory, et al., relating to the rights of an owner or operator of a towed vehicle.

SB 1286 by Montford, relating to municipal courts of record in Odessa.

SB 1319 by Armbrister, relating to aural communications; authorizing civil damages; providing criminal penalties; and conforming certain laws to federal law.

SB 1363 by Wentworth, relating to required protective headgear for motorcycle operators and passengers.

SB 1410 by Harris, Chris, relating to the inclusion of the services of licensed chemical dependency counselors in certain health insurance coverage.

SB 1416 by Truan, relating to the organization of state fiscal data by the Legislative Budget Board.

SB 1417 by Truan, relating to establishment of an investment budgeting pilot project for state spending.

SB 1418 by Truan, relating to benchmarks for the state strategic planning process.

SB 1491 by Shapiro, relating to testing and remedial education of students 55 years of age or older and to tuition and fees charged to those students at public institutions of higher education.

SB 1530 by Ellis, relating to the rate of the county hotel occupancy tax.

SB 1545 by Henderson, relating to the seizure and sale for delinquent ad valorem taxes of abandoned real property in the municipality.

SB 1554 by Nixon, Drew, relating to the eligibility for training and certification as a medication aide.

SB 1585 by Henderson, relating to the Harris County Child Support Department.

SB 1622 by Sims, relating to the creation of the County Court at Law No. 3 of Bell County.

SB 1624 by Gallegos, relating to the legal defense of certain county officials or employees.

SB 1652 by Zaffirini, relating to the creation of a statutory county court in Bee County.

I am directed by the Senate to inform the House that the Senate has concurred in House Amendments to the following: **SB 12** by 31 Yeas, 0 Nays; and **SB 1098** by Viva Voce Vote.

I am directed by the Senate to inform the House that the Senate has refused to concur in House Amendments to **SB 753** and requests the appointment of a Conference Committee to adjust the differences between the two Houses.

The following have been appointed on the part of the Senate: Senator Shapiro, Chair, Senator Harris, Senator Nixon, Senator Nelson, and Senator Patterson.

Respectfully,
Betty King
Secretary of the Senate

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Public Health, on recess today, Desk 138, to consider bills.

Financial Institutions, on recess today, Desk 27, to consider pending business.

State Affairs, on recess today, speakers committee room, to consider pending business.

Juvenile Justice and Family Issues, on recess today, Desk 31.

Business and Industry, on recess today, Desk 30, to consider **HB 3191**.

Judicial Affairs, on recess today, Desk 67.

Land and Resource Management, 10 minutes before the house reconvenes for the afternoon session today, Desk 1, to consider pending business.

RECESS

Representative Combs moved that the house recess until 3 p.m. today.

The motion prevailed without objection.

The house accordingly, at 1:27 p.m., recessed until 3 p.m. today.

AFTERNOON SESSION

The house met at 3 p.m. and was called to order by the speaker.

CSSB 1 - (pending business)

Amendment No. 1

Representative Sadler offered the following amendment to **CSSB 1**:

Floor No. 1

Amend **CSSB 1** as follows:

(1) In SECTION 1 of the bill, strike the heading to proposed Chapter 4, Education Code (House Committee Report, page 2, lines 4 and 5), and substitute the following:

CHAPTER 4. PUBLIC EDUCATION MISSION,
OBJECTIVES, AND GOALS

(2) In SECTION 1 of the bill, strike proposed Section 4.003, Education Code (House Committee Report, page 3, line 27, through page 4, line 8).

(3) In SECTION 1 of the bill, in proposed Section 7.055(a)(6), Education Code (House Committee Report, page 11, lines 24 and 25), strike "Section 21.051" and substitute "Section 21.049".

(4) In SECTION 1 of the bill, in proposed Section 7.055(a)(16), Education Code (House Committee Report, page 13, line 8), strike "Section 29.084" and substitute "Section 29.082".

(5) In SECTION 1 of the bill, strike proposed Section 7.055(a)(39), Education Code (House Committee Report, page 15, lines 12 and 13), and renumber the subsequent subdivisions appropriately.

(6) In SECTION 1 of the bill, in proposed Section 7.055(a)(41), Education Code (House Committee Report, page 15, line 20), strike "Section 21.164;" and substitute "Section 21.163; and".

(7) In SECTION 1 of the bill, strike proposed Section 7.055(a)(42), Education Code (House Committee Report, page 15, lines 21 and 22).

(8) In SECTION 1 of the bill, in proposed Section 7.055(a)(43), Education Code (House Committee Report, page 15, line 25), strike "; and" and substitute a period.

(9) In SECTION 1 of the bill, strike proposed Section 7.055(a)(44), Education Code (House Committee Report, page 15, line 26, through page 16, line 1).

(10) In SECTION 1 of the bill, in proposed Section 7.057(c), Education Code (House Committee Report, page 19, line 26), between "district" and the comma, insert "by or on behalf of a student".

(11) In SECTION 1 of the bill, in proposed Section 7.057(e), Education Code (House Committee Report, page 20, line 10), between "Subchapter" and "D", insert "C or".

(12) In SECTION 1 of the bill, in proposed Section 7.102(b)(35), Education Code (House Committee Report, page 25, line 5), strike "and".

(13) In SECTION 1 of the bill, in proposed Section 7.102(b)(36), Education Code (House Committee Report, page 25, line 7), strike "Section 21.164." and substitute "Section 21.163; and".

(14) In SECTION 1 of the bill, in proposed Section 7.102(b), Education Code (House Committee Report, page 25, between lines 7 and 8), insert the following:

(37) shall adopt rules concerning applications for grants from the investment capital fund under Section 7.024.

(15) In SECTION 1 of the bill, in proposed Section 7.102(e), Education Code (House Committee Report, page 25, lines 19 and 20), strike "The rule takes effect earlier if:" and substitute "The rule takes effect earlier if the rule's

preamble specifies an earlier effective date and the reason for that earlier date and:".

(16) In SECTION 1 of the bill, in proposed Section 7.102(e), Education Code (House Committee Report, page 25, line 26, through page 26, line 5), strike Subdivision (2) and substitute the following:

(2) on the affirmative vote of two-thirds of the members of the board, the board makes a finding that, unless the rule is given an earlier effective date, an imminent peril to health, safety, or welfare in public schools exists.

(17) In SECTION 1 of the bill, in proposed Section 8.003(d), Education Code (House Committee Report, page 31, lines 16 and 17), between "compensation" and "but", insert "from the regional education service center".

(18) In SECTION 1 of the bill, in proposed Section 8.004, Education Code (House Committee Report, page 32, line 2), strike "shall employ" and substitute "may employ".

(19) In SECTION 1 of the bill, in proposed Section 8.051(1), Education Code (House Committee Report, page 32, line 10), strike "instruction" and substitute "training and assistance".

(20) In SECTION 1 of the bill, in proposed Section 8.051(2), Education Code (House Committee Report, page 32, line 12), strike "instruction" and substitute "training and assistance".

(21) In SECTION 1 of the bill, in proposed Section 8.051(2), Education Code (House Committee Report, page 32, line 14), strike "42.154".

(22) In SECTION 1 of the bill, in proposed Section 8.122(a), Education Code (House Committee Report, page 35, line 7), between "fund" and the period, insert "for the specific purpose of financing regional education service centers".

(23) In SECTION 1 of the bill, in proposed Section 8.123(a), Education Code (House Committee Report, page 35, lines 20 and 21), between "fund" and "and", insert "for the specific purpose of financing regional education service centers".

(24) In SECTION 1 of the bill, in the heading to proposed Section 8.124, Education Code (House Committee Report, page 36, line 7), strike "OTHER INSTRUCTIONAL SERVICES" and substitute "ADDITIONAL SERVICES".

(25) In SECTION 1 of the bill, in proposed Section 8.124(a), Education Code (House Committee Report, page 36, line 10), between "fund" and "or", insert "for the specific purpose of financing regional education service centers".

(26) In SECTION 1 of the bill, in proposed Section 8.124(a), Education Code (House Committee Report, page 36, lines 11 and 12), strike "school district employees instructional services other than core services required under Section 8.051" and substitute "additional services as provided under Section 8.052".

(27) In SECTION 1 of the bill, in proposed Section 11.109, Education Code (House Committee Report, page 56, line 9), strike "private" and substitute "other".

(28) In SECTION 1 of the bill, in proposed Section 11.201(e)(1), Education Code (House Committee Report, page 59, line 22), strike "election" and substitute "selection".

(29) In SECTION 1 of the bill, in proposed Section 11.274, Education

Code (House Committee Report, page 68, line 12), strike "Section 12.205" and substitute "Section 13.205."

(30) In SECTION 1 of the bill, in proposed Section 11.276, Education Code (House Committee Report, page 69, line 13), between "is" and "the", insert "not".

(31) In SECTION 1 of the bill, in proposed Section 12.022, Education Code (House Committee Report, page 76, line 5), between "a" and "charter", insert "recorded".

(32) In SECTION 1 of the bill, in proposed Section 12.053(2), Education Code (House Committee Report, page 78, line 6), between "charter" and the period, insert "in accordance with Section 12.057".

(33) In SECTION 1 of the bill, in proposed Section 12.057(6), Education Code (House Committee Report, page 80, line 2), strike "Subchapter B" and substitute "Subchapter C".

(34) In SECTION 1 of the bill, in proposed Section 12.110(6), Education Code (House Committee Report, page 86, lines 24 and 25), strike "Subchapter B" and substitute "Subchapter C".

(35) In SECTION 1 of the bill, in proposed Section 13.152, Education Code (House Committee Report, page 108, lines 8-10), strike "The resolution or petition must be presented to the county judge of each county in which the school districts are located."

(36) In SECTION 1 of the bill, in proposed Section 13.153(a), Education Code (House Committee Report, page 108, lines 11 and 12), strike "Each county judge receiving a valid resolution or petition" and substitute "Each board of trustees".

(37) In SECTION 1 of the bill, strike proposed Section 13.154(a), Education Code (House Committee Report, page 108, lines 20-23), and substitute the following:

(a) Each board of trustees shall canvass the returns of the election in its district and shall publish the results separately for each district.

(38) In SECTION 1 of the bill, in proposed Section 13.154(b), Education Code (House Committee Report, page 108, line 26), strike "commissioners court of each county" and substitute "boards of trustees".

(39) In SECTION 1 of the bill, in proposed Section 13.157(c), Education Code (House Committee Report, page 110, line 5), strike "Section 12.004" and substitute "Section 13.004".

(40) In SECTION 1 of the bill, in proposed Section 21.101(b), Education Code (House Committee Report, page 136, line 27, through page 137, line 1), strike "in the form adopted or approved by the commissioner".

(41) In SECTION 1 of the bill, in proposed Section 21.103, Education Code (House Committee Report, page 137, line 25), strike "continuing" and substitute "term".

(42) In SECTION 1 of the bill, in proposed Section 21.105(b)(7), Education Code (House Committee Report, page 139, line 12), strike "as determined by the local school board," and substitute "good cause as determined by the local school board, good cause being".

(43) In SECTION 1 of the bill, in proposed Section 21.151(c), Education Code (House Committee Report, page 145, line 21), between "policy" and "under", insert "for nonrenewal of term contracts".

(44) In SECTION 1 of the bill, in proposed Section 21.157(a), Education Code (House Committee Report, page 148, line 8), between "renewed" and the period, insert "or whether the board proposes not renewing the contract".

(45) In SECTION 1 of the bill, in proposed Section 21.160(d), Education Code (House Committee Report, page 149, line 22), strike "may" and substitute "must".

(46) In SECTION 1 of the bill, in proposed Section 21.162(a), Education Code (House Committee Report, page 150, line 8), between "contract" and "conducted", insert "or a suspension without pay".

(47) In SECTION 1 of the bill, in proposed Section 21.162(a), Education Code (House Committee Report, page 150, lines 10 and 11), strike "on the nonrenewal or termination".

(48) In SECTION 1 of the bill, in proposed Section 21.162(b), Education Code (House Committee Report, page 150, line 16), between "contract" and "is", insert "or a suspension without pay".

(49) In SECTION 1 of the bill, in proposed Section 21.162(c), Education Code (House Committee Report, page 151, line 5), strike "The" and substitute "After the educator receives written notice of the proposed action, the".

(50) In SECTION 1 of the bill, in proposed Section 21.166(b), Education Code (House Committee Report, page 154, line 23), between "contract" and the comma, insert "or suspended the educator without pay".

(51) In SECTION 1 of the bill, in proposed Section 21.305(a), Education Code (House Committee Report, page 164, line 7), between "minutes" and the period, insert "and must be provided within the regular school hours".

(52) In SECTION 1 of the bill, in proposed Section 21.353(a), Education Code (House Committee Report, page 168, line 23), strike "Section 11.202" and substitute "Section 11.203".

(53) In SECTION 1 of the bill, in proposed Section 22.085, Education Code (House Committee Report, page 183, lines 7 and 8), strike "district or school" and substitute "district, school, service center, or cooperative".

(54) In SECTION 1 of the bill, in proposed Section 26.005, Education Code (House Committee Report, page 208, between lines 17 and 18), insert the following new Subsection (b) and reletter existing Subsection (b) as Subsection (c):

(b) To ensure a valid bank of questions for use each year, the agency is not required to release a question that is being field-tested and that was not used to compute the student's score on an assessment instrument.

(55) In SECTION 1 of the bill, in proposed Section 26.009(b)(1), Education Code (House Committee Report, page 210, line 6), between "safety" and the semicolon, insert ", including the maintenance of order and discipline on school buses".

(56) In SECTION 1 of the bill, in proposed Subchapter H, Chapter 29, Education Code (House Committee Report, page 265, line 2), strike "[Sections 29.258-29.900 reserved for expansion]" and substitute the following:
[Sections 29.258-29.300 reserved for expansion]

SUBCHAPTER I. PROGRAMS FOR STUDENTS WHO ARE
DEAF OR HARD OF HEARING

Sec. 29.301. DEFINITIONS. In this subchapter:

(1) "Admission, review, and dismissal committee" means the committee required by State Board of Education rules to develop the individualized education program required by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) for any student needing special education.

(2) "American Sign Language" means a complete, visual, and manual language with its own grammar and syntax.

(3) "English" includes writing, reading, speech, speech reading, cued speech, and any English-based manual-visual method of communication.

(4) "Unique communication mode" or "appropriate language mode" includes English and American Sign Language.

Sec. 29.302. FINDINGS. (a) The legislature finds that it is essential for the well-being and growth of students who are deaf or hard of hearing that educational programs recognize the unique nature of deafness and the hard-of-hearing condition and ensure that all students who are deaf or hard of hearing have appropriate, ongoing, and fully accessible educational opportunities. Students who are deaf or hard of hearing may choose to use a variety of language modes and languages, including oral and manual-visual language. Students who are deaf may choose to communicate through the language of the deaf community, American Sign Language, or through any of a number of English-based manual-visual languages. Students who are hard of hearing may choose to use spoken and written English, including speech reading or lip reading, together with amplification instruments, such as hearing aids, cochlear implants, or assistive listening systems, to communicate with the hearing population. Students who are deaf or hard of hearing may choose to use a combination of oral or manual-visual language systems, including cued speech, manual signed systems, and American Sign Language, or may rely exclusively on the oral-aural language of their choice. Students who are deaf or hard of hearing also may use other technologies to enhance language learning.

(b) The legislature recognizes that students who are deaf or hard of hearing should have the opportunity to develop proficiency in English, including oral or manual-visual methods of communication, and American Sign Language.

Sec. 29.303. UNIQUE COMMUNICATION. Students who are deaf or hard of hearing must have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency.

Sec. 29.304. QUALIFICATIONS OF PERSONNEL. (a) A student who is deaf or hard of hearing must have an education in which teachers, psychologists, speech therapists, progress assessors, administrators, and others involved in education understand the unique nature of deafness and the hard-of-hearing condition. A teacher of students who are deaf or hard of hearing either must be proficient in appropriate language modes or use an interpreter certified in appropriate language modes if certification is available.

(b) Each school district shall employ or provide access to appropriate qualified staff with proficient communications skills, consistent with credentialing requirements, to fulfill the responsibilities of the school district, and shall make positive efforts to employ qualified individuals with disabilities.

(c) Regular and special personnel who work with students who are deaf or hard of hearing must be adequately prepared to provide educational instruction and services to those students.

Sec. 29.305. LANGUAGE MODE PEERS. If practicable and not in conflict with any admission, review, and dismissal committee recommendations, a student who is deaf or hard of hearing must have an education in the company of a sufficient number of peers using the same language mode and with whom the student can communicate directly. If practicable, the peers must be of the same or approximately the same age and ability.

Sec. 29.306. FAMILIAL AND ADVOCATE INVOLVEMENT. A student who is deaf or hard of hearing must have an education in which the student's parents or legal guardians and advocates for the student's parents or legal guardians are involved in determining the extent, content, and purpose of programs. Other individuals, including individuals who are deaf or hard of hearing, may be involved at the discretion of parents or legal guardians or the school district.

Sec. 29.307. ROLE MODELS. A student who is deaf or hard of hearing shall be given the opportunity to be exposed to deaf or hard-of-hearing role models.

Sec. 29.308. REGIONAL PROGRAMS. Regional programs for students who are deaf or hard of hearing shall meet the unique communication needs of students who can benefit from those programs. Appropriate funding for those programs shall be consistent with federal and state law, and money appropriated to school districts for educational programs and services for students who are deaf or hard of hearing may not be allocated or used for any other program or service.

Sec. 29.309. COMPOSITION OF LOCAL SPECIAL EDUCATION ADVISORY COMMITTEE. If practicable, in a school district in which there are students who are deaf or hard of hearing, the local special education advisory committee required under State Board of Education rule must include persons who are deaf or hard of hearing and parents and legal guardians of students who are deaf or hard of hearing.

Sec. 29.310. PROCEDURES AND MATERIALS FOR ASSESSMENT AND PLACEMENT. (a) Procedures and materials for assessment and placement of students who are deaf or hard of hearing shall be selected and administered so as not to be racially, culturally, or sexually discriminatory.

(b) A single assessment instrument may not be the sole criterion for determining the placement of a student.

(c) The procedures and materials for the assessment and placement of a student who is deaf or hard of hearing shall be in the student's preferred mode of communication. All other procedures and materials used with any student who is deaf or hard of hearing and who has limited English proficiency shall be in the student's preferred mode of communication.

Sec. 29.311. EDUCATIONAL PROGRAMS. (a) Educational programs for students who are deaf or hard of hearing must be coordinated with other public and private agencies, including:

- (1) agencies operating early childhood intervention programs;
- (2) preschools;
- (3) agencies operating child development programs;
- (4) nonpublic, nonsectarian schools;
- (5) agencies operating regional occupational centers and programs; and
- (6) the Texas School for the Deaf.

(b) As appropriate, the programs must also be coordinated with postsecondary and adult programs for persons who are deaf or hard of hearing.

Sec. 29.312. PSYCHOLOGICAL COUNSELING SERVICES. Appropriate psychological counseling services for a student who is deaf or hard of hearing shall be made available at the student's school site in the student's primary mode of communication. In the case of a student who is hard of hearing, appropriate auditory systems to enhance oral communication shall be used if required by the student's admission, review, and dismissal committee.

Sec. 29.313. EVALUATION OF PROGRAMS. Each school district must provide continuous evaluation of the effectiveness of programs of the district for students who are deaf or hard of hearing. If practicable, evaluations shall follow program excellence indicators established by the agency.

Sec. 29.314. TRANSITION INTO REGULAR CLASS. In addition to satisfying requirements of the admission, review, and dismissal committee and to satisfying requirements under state and federal law for vocational training, each school district shall develop and implement a transition plan for the transition of a student who is deaf or hard of hearing into a regular class program if the student is to be transferred from a special class or center or nonpublic, nonsectarian school into a regular class in a public school for any part of the school day. The transition plan must provide for activities:

(1) to integrate the student into the regular education program and specify the nature of each activity and the time spent on the activity each day; and

(2) to support the transition of the student from the special education program into the regular education program.

[Sections 29.315 to 29.900 reserved for expansion]

(57) In SECTION 1 of the bill, in proposed Section 30.022(g), Education Code (House Committee Report, page 279, line 4), strike "Subchapter E" and substitute "Subchapter D".

(58) In SECTION 1 of the bill, in proposed Section 30.052(g), Education Code (House Committee Report, page 286, line 14), strike "Subchapter E" and substitute "Subchapter D".

(59) In SECTION 1 of the bill, in proposed Section 30.102(b), Education Code (House Committee Report, page 295, line 26), strike "Section 21.402" and substitute "Section 21.302".

(60) In SECTION 1 of the bill, in proposed Section 31.101(a), Education Code (House Committee Report, page 304, line 8), strike "one adopted textbook" and substitute "one or more adopted textbooks".

(61) In SECTION 1 of the bill, in proposed Section 31.101(c), Education Code (House Committee Report, page 304, line 18), between "subject" and "for", insert "on a school campus or for a specific class".

(62) In SECTION 1 of the bill, in proposed Section 33.021, Education Code (House Committee Report, page 315, line 12), strike "and personnel".

(63) In SECTION 1 of the bill, in proposed Section 33.021, Education Code (House Committee Report, page 315, line 14), strike "or employing library personnel".

(64) In SECTION 1 of the bill, in proposed Section 33.083(e), Education Code (House Committee Report, page 322, line 21), strike "students enrolled in a private school" and substitute "private schools".

(65) In SECTION 1 of the bill, in proposed Section 33.083(e), Education Code (House Committee Report, page 322, line 22), between "to" and "participate", insert "join and to".

(66) In SECTION 1 of the bill, in proposed Section 39.053(b), Education Code (House Committee Report, page 379, line 2), strike "this subchapter" and substitute "Subchapter B".

(67) In SECTION 1 of the bill, in proposed Section 41.013(a), Education Code (House Committee Report, page 410, line 8), strike "Section 11.13(c)" and substitute "Section 7.057".

(68) In SECTION 1 of the bill, in proposed Section 41.034(a), Education Code (House Committee Report, page 411, line 22), strike "or 42.104" and substitute "or 42.105".

(69) In SECTION 1 of the bill, in proposed Section 41.257, Education Code (House Committee Report, page 433, line 25), strike "42.104, or" and substitute "42.105, or".

(70) In SECTION 1 of the bill, in proposed Section 42.251(a), Education Code (House Committee Report, page 457, lines 21-23), strike "and assistance provided under the school facilities assistance program under Subchapter H" and substitute "assistance provided under the school facilities assistance program under Subchapter H, and assistance provided under the safe schools assistance program under Subchapter I".

(71) In SECTION 1 of the bill, in proposed Section 42.252(e), Education Code (House Committee Report, page 459, line 25), strike "Section 42.004" and substitute "Section 41.004".

(72) In SECTION 1 of the bill, in proposed Section 42.253(a)(8), Education Code (House Committee Report, page 460, line 16), strike "Section 42.252" and substitute "Section 42.452".

(73) In SECTION 2 of the bill, in transferred and amended Section 132.002(a)(10), Education Code (House Committee Report, page 570, line 17), strike "Section 25.085" and substitute "Section 25.084".

(74) In SECTION 2 of the bill, in transferred and amended Section 132.002(a)(10), Education Code (House Committee Report, page 570, line 18), strike "Section 25.086(a)(1)" and substitute "Section 25.085(a)(1)".

(75) In SECTION 23 of the bill, in amended Section 825.405(a), Government Code (House Committee Report, page 654, line 19), strike "Section 21.402" and substitute "Section 21.302".

(76) In SECTION 23 of the bill, in amended Section 825.405(b), Government Code (House Committee Report, page 654, line 23), strike "Sections 21.402 and 21.404" and substitute "Sections 21.302 and 21.304".

(77) In SECTION 24 of the bill, in amended Section 113.287(e), Natural Resources Code (House Committee Report, page 655, line 23, through page 656, line 8), strike Subdivisions (2)-(6) and substitute the following:

(2) [~~Subchapter F, Chapter 21, Education Code;~~

[~~(3)~~] Sections [~~3.03;~~] 3.29[;] and 14.03, State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes);

(3) [~~(4)~~] Sections 14(c)-(g), Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes);

(4) [~~(5)~~] Sections 20(e)-(i), Chapter 683, Acts of the 66th Legislature, 1979 (Article 1118y, Vernon's Texas Civil Statutes); and

(5) [~~6~~] Sections 6(k)-(o), Article 1118z, Revised Statutes.

(78) In SECTION 43(e) of the bill (House Committee Report, page 668, line 3), strike "Chapter 32" and substitute "former Chapter 32".

(79) In SECTION 43(g) of the bill (House Committee Report, page 668, lines 18 and 24), strike "Chapter 32" both times it appears and substitute "former Chapter 32".

(80) In SECTION 44(e) of the bill (House Committee Report, page 670, line 23), strike "Chapter 33" and substitute "former Chapter 33".

(81) In SECTION 44(g) of the bill (House Committee Report, page 671, lines 11 and 17-18), strike "Chapter 33" both times it appears and substitute "former Chapter 33".

(82) Strike SECTION 46 of the bill (House Committee Report, page 672, lines 5-9).

Amendment No. 1 was adopted without objection.

Amendment No. 2

Representative Chisum offered the following amendment to **CSSB 1**:

Floor No. 4-1

Amend **CSSB 1** as follows:

1) On page 2, line 4 through 18, delete section 4.001 and insert the following new section: Sec. 4.001. PUBLIC EDUCATION MISSION. The mission of public education in Texas is to provide students with literacy and knowledge of a core curriculum that includes:

1) English language arts, consisting of reading and writing;

2) mathematics;

3) science; and

4) social studies, consisting of Texas and United States history, government, and geography.

Amendment No. 3

Representative Chisum offered the following amendment to Amendment No. 2:

Amend the Chisum amendment to proposed Section 4.001(a), Education Code, to read as follows:

On page 2, lines 6-18, House Committee Report, strike Subsection (a) of proposed Section 4.001 and substitute the following:

(a) The mission of public education in Texas is to provide students with literacy and knowledge of a core curriculum that includes:

(1) English language arts, consisting of reading and writing;

(2) mathematics;

(3) science; and

(4) social studies, consisting of Texas and United States history, government, and geography.

Amendment No. 3 was adopted without objection.

Representative Sadler moved to table Amendment No. 2, as amended.

The motion to table prevailed.

Amendment No. 4

Representative Chisum offered the following amendment to **CSSB 1**:
Floor No. 4-3

Amend **CSSB 1** as follows:

1) On page 3, on lines 6 through 9, delete the entire section on "Objective 7" and insert the new section as follows:

Objective 7: Educators will identify and develop replicable, high-performing campuses that produce high expectations and use those techniques as appropriate to improve student learning.

(Williamson in the chair)

Representative Sadler moved to table Amendment No. 4.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of a family emergency:

Krusee on motion of Shields.

CSSB 1 - (consideration continued)**Amendment No. 5**

Representative Coleman offered the following amendment to **CSSB 1**:
Floor No. 4-6

Amend **CSSB 1**, Section 1, page 3, by inserting the following after line 23:
"and health."

Representative Sadler moved to table Amendment No. 5.

The motion to table prevailed.

Amendment No. 6

Representative Uher offered the following amendment to **CSSB 1**:
Floor No. 7-1

Amend **CSSB 1**, Section 7.002, by adding subsection (c) as follows:

(c) "In this chapter "agency" means the Texas Education Agency."

Amend **CSSB 1**, Section 11.101(b), line 24, between "agency" and "are" by adding:

"or to the State Board of Education."

Amendment No. 6 was adopted without objection.

Amendment No. 7

Representative Rodriguez offered the following amendment to **CSSB 1**:
Floor No. 7-1a

Amend **CSSB 1** as follows:

(1) On page 5, line 27, after "administering" and before "education" insert, "and monitoring compliance with".

(2) On page 6, line 1, after "federal law" and before the ",", insert "and state law".

(3) On page 6 line and after "federal funding" and before "for" insert "state funding".

Amendment No. 7 was adopted without objection.

Amendment No. 8

Representative Howard offered the following amendment to **CSSB 1**:

Floor No. 7-2

Amend **CSSB 1** as follows:

On page 5, line 7, insert "(c) All actions and rules promulgated by the agency under this code are subject to the oversight of the State Board of Education which may reserve the right to alter, reverse, or cease any action of the agency as long as the action does not place the agency in violation of any state or federal law."

Representative Sadler moved to table Amendment No. 8.

The motion to table prevailed.

Amendment No. 9

Representative Park offered the following amendment to **CSSB 1**:

Floor No. 7-3

Amend **CSSB 1** as follows:

1) On page 8, between line 3 and 4, insert a new subsection (c) to read as follows:

(c) The agency may not seek or accept federal funding provided under Subchapter III, Chapter 68, Title 20, United States Code (20 U.S.C. Section 5881 et seq.) unless the agency obtains prior assurances from the United States secretary of education that the state will be exempted from any federal requirement associated with the funding that would:

(1) result in state or federal control of curriculum;

(2) require specific curriculum content;

(3) require a local educational agency to enter into a partnership to provide social services in a school-based or school-linked environment;

(4) require specified levels of spending per student;

(5) require specific school facilities; or

(6) specify teaching methods.

2) Renumber subsequent subsections as necessary.

(Speaker in the chair)

Representative Sadler moved to table Amendment No. 9.

The motion to table prevailed.

Amendment No. 10

Representative Chisum offered an amendment (Floor No. 7-4) to **CSSB 1**.

Amendment No. 10 was withdrawn.

Amendment No. 11

Representative Chisum offered the following amendment to **CSSB 1**:

Floor No. 7-5

Amend **CSSB 1** as follows:

- 1) Beginning on page 8, line 19, delete the entire section 7.024.
- 2) On page 446, beginning on line 22, delete the entire subsection (1).
- 3) Renumber subsequent subsections as necessary.

Representative Sadler moved to table Amendment No. 11.

The motion to table prevailed.

Amendment No. 12

Representatives Hernandez offered the following amendment to **CSSB 1**:

Floor No. 7-6

Amend **CSSB 1** as follows:

Sec. 7.024(b): The commissioner may make grants from the fund to eligible schools.

~~A school may apply for a grant under rules adopted by the board.~~

Amendment No. 12 was adopted without objection.

Amendment No. 13

Representative Alonzo offered the following amendment to **CSSB 1**:

Floor No. 7-7

Amend **CSSB 1** as follows:

(1) In SECTION 1 of the bill, in proposed Section 7.021(a)(18), Education Code (House Committee Report, page 7, line 15), strike "and".

(2) In SECTION 1 of the bill, in proposed Section 7.021(a)(19), Education Code (House Committee Report, page 7, line 18), strike the period and substitute "; and".

(3) In SECTION 1 of the bill, in proposed Section 7.021(a), Education Code (House Committee Report, page 7, between lines 18 and 19), insert the following new subdivision to read as follows:

(20) performing duties in connection with grants for bilingual education teacher training programs under Section 7.025.

(4) In SECTION 1 of the bill, in proposed Subchapter B, Chapter 7, Education Code (House Committee Report, page 10, line 25), strike "[Sections 7.025-7.050 reserved for expansion]" and substitute the following:

Sec. 7.025. GRANTS FOR BILINGUAL EDUCATION TEACHER TRAINING PROGRAMS. (a) From funds withheld as provided by Section 42.153(d), the agency may award a grant for a program to train teachers for assignment to bilingual education programs under Subchapter B, Chapter 29. An eligible program may be developed jointly by:

(1) one or more school districts and an approved teacher education institution; or

(2) one or more school districts, an approved teacher education institution, and a community college.

(b) Funds awarded under this section may be used only to provide scholarships to students who seek a bachelor's degree and teacher certification in bilingual education.

(c) To receive a grant under this section, the entities developing the program must submit an application to the commissioner. The application must include the information required by the commissioner and be submitted by the date specified by the commissioner.

(d) The agency shall award grants under this section on a competitive basis. In awarding a grant, the agency shall give preference to an application submitted by a school district that has requested a waiver or exception from the commissioner in relation to the use of a teacher holding a certificate in bilingual education.

(e) The entities developing a program that receives a grant under this section shall select the recipients of scholarships under the program. To be eligible for a scholarship under the program, a person must be fluent in English and in another language that is offered in the bilingual education program of a school district participating in the grant program. The entities shall:

(1) give first priority to paraprofessional employees of a school district participating in the program; and

(2) give second priority to a student transferring to the teacher education institution from a community college participating in the program.

(f) A student who receives a scholarship under this section must sign a written agreement that:

(1) contains the student's promise to serve for at least two years in the bilingual education program of a school district participating in the program under which the student received the scholarship or, if the student fails to fulfill that promise, repay to the agency the amount of the scholarship; and

(2) specifies the terms under which repayment, if required, must be made.

[Sections 7.026-7.050 reserved for expansion]

(5) In SECTION 1 of the bill, in proposed Section 7.055(a)(43), Education Code (House Committee Report, page 15, line 25), strike "and".

(6) In SECTION 1 of the bill, in proposed Section 7.055(a)(44), Education Code (House Committee Report, page 16, line 1), strike the period and substitute "; and".

(7) In SECTION 1 of the bill, in proposed Section 7.055(a), Education Code (House Committee Report, page 16, between lines 1 and 2), insert the following new subdivision to read as follows:

(45) shall perform duties in connection with grants for bilingual education teacher training programs under Section 7.025.

(8) In SECTION 1 of the bill, immediately following proposed Section 42.153(c), Education Code (House Committee Report, page 448, between lines 2 and 3), insert the following new subsections to read as follows:

(d) The commissioner shall:

(1) withhold not more than 10 percent of the funds appropriated for allotments under this section for grants to approved teacher education institutions for bilingual education teacher training programs under Section 7.025; and

(2) reduce each district's allotments under Subsection (a) in the same manner described for a reduction in allotments under Section 42.253.

(e) For purposes of calculating the weighted average daily attendance of a school district under Section 42.302, the district's allotment under this section is the district's allotment under Subsection (a) without regard to any reduction made under Subsection (d)(2).

Representative Sadler moved to table Amendment No. 13.

A record vote was requested.

The motion to table prevailed by (Record 300): 91 Yeas, 50 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Black; Bosse; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Counts; Crabb; Craddick; Culberson; Danburg; Dear; Delisi; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Glaze; Goodman; Goolsby; Gray; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hightower; Hilbert; Hilderbran; Hill; Hochberg; Holzheuser; Howard; Hunter, B.; Jackson; Janek; Johnson; Junell; Kamel; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Nixon; Oakley; Ogden; Park; Patterson; Pitts; Place; Rabuck; Ramsay; Reyna; Rhodes; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Turner, B.; Uher; Walker; West; Williamson; Wohlgemuth; Wolens; Woolley; Yost.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Brady; Coleman; Conley; Cuellar, H.; Cuellar, R.; Davila; Davis; De La Garza; Dukes; Edwards; Ehrhardt; Farrar; Giddings; Gutierrez; Hawley; Hernandez; Hirschi; Hudson; Hunter, T.; Jones, D.; Jones, J.; King; Lewis, G.; Longoria; Luna; Maxey; McDonald; Moreno; Munoz; Naishtat; Oliveira; Pickett; Price; Puente; Rangel; Raymond; Rodriguez; Romo; Serna; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Willis; Yarbrough.

Present, not voting — Mr. Speaker(C); Dutton.

Absent, Excused — Krusee; Solis.

Absent — Gallego; Greenberg; Horn; Wilson; Zbranek.

STATEMENTS OF VOTE

When Record No. 300 was taken, I was outside the chamber working with the Legislative Budget Board staff on the Appropriations bill. I would have voted yes.

Gallego

When Record No. 300 was taken, I was in the house but away from my desk. I would have voted yes.

Horn

Amendment No. 14

Representative Chisum offered the following amendment to **CSSB 1**:

Floor No. 7-8

Amend **CSSB 1** as follows:

1) On page 11, line 1, before the word "with", insert the words "on the recommendation of the State Board of Education and"

2) On page 11, line 2, after (.), insert the following: If the governor rejects the recommendation, the board shall submit further recommendations until one is appointed by the governor and confirmed by the senate.

3) On page 11, line 5, after the word "OFFICE." delete the word "~~The~~" and insert the following: "On the petition by two-thirds of the membership of the board the".

Representative Sadler moved to table Amendment No. 14.

The motion to table prevailed.

Amendment No. 15

Representative Duncan offered the following amendment to **CSSB 1**:

Floor No. 7-9

Amend **CSSB 1** as follows:

(1) In SECTION 2 of the bill, proposed Section 7.054, Education Code (Committee substitute page 11, line 8) strike Section 7.054 and substitute the following:

Sec. 7.054. QUALIFICATION. The commissioner of education shall be a person of broad and professional educational experience, with special and recognized abilities of the highest order in the organization, direction, and coordination of education systems and programs, and in the administration and management of public schools and public education generally. The commissioner of education shall be a citizen of the United States.

Representative Sadler moved to table Amendment No. 15.

The motion to table prevailed.

Amendment No. 16

Representative Howard offered the following amendment to **CSSB 1**:

Floor No. 7-10

Amend **CSSB 1** as follows:

On page 11, line 12 through line 13 strike subsection (1). Renumber following sections as appropriate.

Representative Sadler moved to table Amendment No. 16.

The motion to table prevailed.

(Krusee now present)

Amendment No. 17

Representative Chisum offered an amendment (Floor No. 7-11) to **CSSB 1**.

Amendment No. 17 was withdrawn.

Amendment No. 18

Representative Howard offered the following amendment to **CSSB 1**:
Floor No. 7-12a

Amend **CSSB 1** as follows:

On page 13, line 14 strike "may" and insert "shall".

On page 13, line 15 after "employees" insert "in the following manner:"

(A) During the fiscal year 1996 the commissioner shall reduce the number of people employed at the agency by twenty percent of the number employed on August 31, 1995.

(B) During the fiscal year 1997, the commissioner shall reduce the number of people employed at the agency by an additional twenty percent of the number employed on August 31, 1995.

(C) This section expires January 01, 1998."

Amendment No. 19

Representative Wohlgemuth offered the following amendment to Amendment No. 18:

Amend Floor Amendment No. 18 by Howard as follows:

On line 5, after "commissioner" insert ", under the supervision of the State Board of Education,"

On line 8, after "commissioner" insert ", under the supervision of the State Board of Education,"

Amendment No. 19 was adopted without objection.

Representative Ogden moved to table Amendment No. 18, as amended.

A record vote was requested.

The motion to table prevailed by (Record 301): 77 Yeas, 68 Nays, 2 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Black; Bosse; Coleman; Conley; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Duncan; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Hawley; Hernandez; Hirschi; Hochberg; Hunter, T.; Janek; Johnson; Jones, D.; Jones, J.; Junell; King; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCoulskey; McDonald; Moreno; Naishtat; Ogden; Oliveira; Pickett; Place; Price; Puente; Rangel; Raymond; Rodriguez; Romo; Sadler; Saunders; Seidlits; Serna; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; West; Williamson; Wolens; Yarbrough; Yost.

Nays — Allen; Averitt; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Goolsby; Haggerty; Hamric; Harris; Hartnett; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hudson; Hunter, B.; Jackson; Kamel; Krusee; Kuempel; Madden; Marchant; McCall; Moffat; Mowery; Munoz; Nixon; Oakley; Park; Patterson; Pitts; Rabuck; Ramsay; Reyna; Rhodes; Rusling; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Turner, B.; Walker; Wilson; Wohlgemuth; Woolley.

Present, not voting — Mr. Speaker(C); Dutton.

Absent, Excused — Solis.

Absent — Willis; Zbranek.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 301. I intended to vote no.

Eiland

I was shown voting yes on Record No. 301. I intended to vote no.

Janek

Amendment No. 20

Representative Chisum offered the following amendment to **CSSB 1**:

Floor No. 7-14

Amend **CSSB 1** as follows:

1) On page 18, subsection (3), delete the subsection A, C, D, E, F, G, H, I, K, and L.

2) Renumber remaining subsections as appropriate.

Representative Sadler moved to table Amendment No. 20.

A record vote was requested.

The motion to table prevailed by (Record 302): 79 Yeas, 64 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Alonzo; Alvarado; Bailey; Berlanga; Black; Bosse; Conley; Cook; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Glaze; Gray; Greenberg; Grusendorf; Gutierrez; Hawley; Hernandez; Hirschi; Hochberg; Hunter, T.; Jones, J.; Junell; King; Kubiak; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCoulskey; McDonald; Moreno; Mowery; Munoz; Naishtat; Oliveira; Pickett; Place; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Sadler; Saunders; Seidlits; Serna; Thompson; Tillery; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wolens; Yarbrough; Zbranek.

Nays — Averitt; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Corte; Crabb; Craddock; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Goodman; Goolsby; Haggerty; Hamric; Harris; Hartnett; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Johnson; Jones, D.; Kamel; Krusee; Kuempel; Madden; Marchant; McCall; Moffat; Nixon; Oakley; Ogden; Park; Patterson; Pitts; Rabuck; Ramsay; Reyna; Rusling; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Wohlgemuth; Woolley; Yost.

Present, not voting — Mr. Speaker(C); Dutton.

Absent, Excused — Solis.

Absent — Coleman; Duncan; Hudson; Telford.

Amendment No. 21

Representative Cook offered the following amendment to **CSSB 1**:
Floor No. 7-15

Amend **CSSB 1** as follows:

1) On page 18, line 19 insert "in a school district principally located in a county with a population of more than 50,000, according to the last decennial census" after "Chapter 37".

Representative Williamson moved to table Amendment No. 21.

A record vote was requested.

The motion to table was lost by (Record 303): 70 Yeas, 73 Nays, 2 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Bosse; Carter; Coleman; Combs; Conley; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Edwards; Ehrhardt; Farrar; Gallego; Giddings; Glaze; Gray; Greenberg; Grusendorf; Gutierrez; Hernandez; Hirschi; Hochberg; Hudson; Janek; Jones, D.; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McCoulskey; McDonald; Moreno; Naishtat; Oakley; Oliveira; Place; Price; Puente; Rangel; Raymond; Reyna; Rodriguez; Romo; Sadler; Saunders; Seidlits; Serna; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; West; Williamson; Willis; Wilson; Wolens; Yarbrough; Yost.

Nays — Allen; Averitt; Black; Brimer; Carona; Chisum; Clemons; Cook; Corte; Counts; Crabb; Craddick; Culberson; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Goodman; Goolsby; Haggerty; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Johnson; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; Moffat; Mowery; Munoz; Nixon; Ogden; Park; Patterson; Pickett; Pitts; Rabuck; Ramsay; Rhodes; Rusling; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Turner, B.; Walker; Wohlgemuth; Woolley; Zbranek.

Present, not voting — Mr. Speaker(C); Dutton.

Absent, Excused — Solis.

Absent — Brady; Delisi; Hamric; McCall.

A record vote was requested.

Amendment No. 21 was adopted by (Record 304): 82 Yeas, 59 Nays, 3 Present, not voting.

Yeas — Alexander; Allen; Averitt; Black; Brady; Brimer; Carona; Carter; Chisum; Clemons; Cook; Corte; Counts; Crabb; Craddick; Culberson; Denny; Driver; Eiland; Elkins; Finnell; Goodman; Goolsby; Haggerty; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Johnson; Jones, D.; Junell; Kamel; King; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; Moffat; Mowery; Munoz; Nixon; Oakley; Ogden; Park; Patterson; Pitts; Place;

Rabuck; Ramsay; Rangel; Raymond; Reyna; Rhodes; Rusling; Saunders; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Turner, B.; Walker; Wohlgemuth; Woolley; Yost.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Bosse; Coleman; Combs; Conley; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Duncan; Edwards; Ehrhardt; Farrar; Gallego; Giddings; Glaze; Gray; Greenberg; Grusendorf; Gutierrez; Hernandez; Hirschi; Hochberg; Janek; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McCoulskey; McDonald; Moreno; Naishtat; Oliveira; Pickett; Price; Puente; Rodriguez; Romo; Sadler; Seidlits; Serna; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; West; Williamson; Willis; Yarbrough.

Present, not voting — Mr. Speaker(C); Dutton; Wilson.

Absent, Excused — Solis.

Absent — Delisi; Hamric; Hudson; Wolens; Zbranek.

Amendment No. 22

Representative Dutton offered the following amendment to **CSSB 1**:

Floor No. 7-17

Amend **CSSB 1** as follows:

(1) In SECTION 1 of the bill, in proposed Section 7.055(a)(43), Education Code (House Committee Report, page 15, line 25), strike "and".

(2) In SECTION 1 of the bill, in proposed Section 7.055(a)(44), Education Code (House Committee Report, page 16, line 1), strike the period and substitute "; and".

(3) In SECTION 1 of the bill, in proposed Section 7.055(a), Education Code (House Committee Report, page 16, between lines 1 and 2), insert a new subdivision to read as follows:

(45) shall determine a minimum and maximum student enrollment for school districts and report its determination to the legislature as required under Section 7.058.

(4) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 7, Education Code (House Committee Report, page 20, line 13), strike "[Sections 7.058-7.100 reserved for expansion]" and substitute the following:

Sec. 7.058. MINIMUM AND MAXIMUM SCHOOL DISTRICT ENROLLMENT. (a) Based on factors determined by the commissioner, the commissioner shall determine the minimum and maximum student enrollment that a school district should have.

(b) Not later than December 31, 1996, the commissioner shall report to the legislature the determination made under Subsection (a). The legislature shall consider the commissioner's report in establishing minimum or maximum student enrollments for school districts or in restructuring school districts.

[Sections 7.059-7.100 reserved for expansion]

Representative Sadler moved to table Amendment No. 22.

(Black in the chair)

The motion to table prevailed.

Amendment No. 23

Representative Chisum offered the following amendment to **CSSB 1**:
Floor No. 7-18

Amend **CSSB 1** as follows:

1) On page 25, between lines 7 and 8, insert the following new subsection: (37) shall develop and update a long-range plan for public education.

Amendment No. 23 was adopted without objection.

Amendment No. 24

Representative Shields offered the following amendment to **CSSB 1**:
Floor No. 7-19

Amend **CSSB 1** in Subsection (c), Section 7.103, Education Code (House Committee Report page 26, line 25), between "profession" and "related" by inserting ", business, or association".

Amendment No. 25

Representative Shields offered the following amendment to Amendment No. 24:

Amend Amendment No. 24 by Shields to **CSSB 1** as follows:

(1) Strike "No. 1 in" and substitute "No. 1 as follows: (1)".

(2) Strike "by inserting" and substitute "insert".

() Insert the following new provision:

(2) In proposed Section 7.105(b), Education Code (House Committee Report, page 28, line 1), add the following after the period: "A board member is entitled to reimbursement of the member's reasonable and necessary expenses incurred performing duties as a member."

Amendment No. 25 was adopted without objection.

Amendment No. 24, as amended, was adopted without objection.

Amendment No. 26

Representative Alonzo offered the following amendment to **CSSB 1**:
Floor No. 7-20

Amend **CSSB 1** as follows:

(1) In SECTION 1 of the bill, in proposed Section 7.111(a), Education Code (House Committee Report, page 30, lines 1 and 2), strike "17 years of age" and "16 years of age" and substitute, respectively, "18 years of age" and "17 years of age".

(2) In SECTION 1 of the bill, in proposed Section 25.084(b), Education Code (House Committee Report, page 196, line 5), strike "17th birthday" and substitute "18th birthday".

(3) In SECTION 1 of the bill, in proposed Section 25.085(a)(5), Education Code (House Committee Report, page 197, line 4), strike "17 years of age" and substitute "18 years of age".

(4) In SECTION 1 of the bill, in proposed Section 25.085(a)(6), Education Code (House Committee Report, page 197, line 9), strike "16 years of age" and substitute "17 years of age".

Representative Junell moved to table Amendment No. 26.

The motion to table prevailed.

Amendment No. 27

Representative Shields offered the following amendment to **CSSB 1**:

Floor No. 7-21

Amend **CSSB 1** in SECTION 1 of the bill, in proposed Subchapter D, Chapter 7, Education Code (House Committee Report, page 30, between lines 14 and 15), by inserting a new section to read as follows:

Sec. 7.112. REPRESENTATION OF TEXTBOOK PUBLISHER BY FORMER MEMBER OF BOARD. (a) A former member of the State Board of Education who is employed by or otherwise receives compensation from a textbook publisher may not, before the fifth anniversary of the date on which the person last served as a member of the State Board of Education:

(1) confer with a member of the board of trustees of a school district concerning a textbook published by that textbook publisher; or

(2) appear at a meeting of the board of trustees on behalf of the textbook publisher.

(b) A person who violates Subsection (a) commits an offense. An offense under this section is a Class A misdemeanor.

(c) In this section:

(1) "Compensation" means money, a service, or another thing of value or financial benefit received in return for or in connection with a service provided.

(2) "Publisher" and "textbook" have the meanings assigned by Section 31.002.

Amendment No. 27 was adopted without objection.

MESSAGE FROM THE SENATE

Austin, Texas, May 4, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 7 by Harris, Chris, et al., relating to the family, including the marriage relationship, the parent-child relationship, suits affecting the parent-child relationship, and the protection of children.

SB 357 by Sibley, Harris, Chris, Haywood, Nelson, Zaffirini, et al., relating to the authority of certain law enforcement agencies to establish a checkpoint on a street or highway to determine whether persons are driving while intoxicated.

SB 840 by Brown, et al., relating to the creation of an offense for the possession of certain weapons in a school zone and to places where weapons are prohibited.

SB 853 by Shapiro, relating to the penalty for an offense involving the operation of a motor vehicle, an aircraft, or a watercraft while intoxicated and while a child is present.

SB 1026 by Madla, et al., relating to certain bonds executed by sureties.

SB 1115 by Barrientos, relating to authorizing the General Services Commission to purchase certain real property on behalf of the state.

SB 1135 by Madla, relating to the Commission on Law Enforcement Officer Standards and Education.

SB 1232 by Armbrister and Ratliff, relating to a motor vehicle self-insurance program for volunteer fire departments.

SB 1240 by Brown, relating to mediated settlement agreements.

SB 1301 by Cain, relating to physician licensing, including the notice and late fee requirements for the annual registration of physician licenses, the temporary licensure of certain out-of-state physicians, and the licensure of certain international medical graduates.

SB 1453 by Rosson, relating to the electronic availability of legislative information through the Internet.

Respectfully,
Betty King
Secretary of the Senate

CSSB 1 - (consideration continued)

Amendment No. 28

Representative Greenberg offered the following amendment to **CSSB 1**:
Floor No. 8-1

Amend **CSSB 1** by adding the following new SECTIONS to the bill and renumbering existing SECTIONS of the bill accordingly:

relating to authorizing cooperative purchasing by regional education service centers.

SECTION 1. Section 11.32, Education Code, is amended by adding Subsection (j) to read as follows:

(j) Two or more regional education service centers may obtain goods or services through a cooperative purchasing arrangement. The State Board of Education by rule shall provide a plan for cooperative purchasing by regional education service centers.

SECTION 2. The State Board of Education shall adopt rules to provide a plan for cooperative purchasing by regional education service centers as provided by Section 11.32(j), Education Code, as added by this Act, not later than January 1, 1996.

Amendment No. 29

Representative Greenberg offered the following amendment to Amendment No. 28:

Amend Amendment No. 28 by Greenberg as follows:

(1) Strike "adding the following new SECTIONS to the bill and renumbering existing SECTIONS of the bill accordingly" and substitute "by striking "[Sections 8.055-8.100 reserved for expansion]" (House Committee Report, page 33, line 15) and substituting the following:

Sec. 8.055. COOPERATIVE PURCHASING ARRANGEMENTS. Two or more regional education service centers may obtain goods or services through a cooperative purchasing arrangement. The State Board of Education by rule shall provide a plan for cooperative purchasing by regional education service centers.

[Sections 8.056-8.100 reserved for expansion]

(2) Strike lines 2-15.

Amendment No. 29 was adopted without objection.

Amendment No. 28, as amended, was adopted without objection.

Amendment No. 30

Representative Uher offered the following amendment to **CSSB 1**:

Floor No. 8-2

Amend **CSSB 1**, page 34, Subchapter D. FUNDING as follows:

SEC. 8.121. ~~REVOLVING SERVICES~~ ACCOUNT. (a) The commissioner shall establish a ~~revolving services~~ account for each regional education service center.

(b) As provided by this subchapter, the commissioner shall deposit funds in each center's ~~revolving services~~ account.

(c) The commissioner shall develop and implement disbursement and audit procedures to ensure that the funds in the ~~revolving services~~ accounts are distributed and used in accordance with this subchapter.

SEC. 8.122. FUNDING FOR CORE SERVICES. (a) For the state fiscal biennium ending August 31, 1997, the commissioner shall withhold ____ from funds appropriated from the foundation school fund.

(b) In amounts proportionate to the amount of state funds each regional education service center received for the 1994-1995 state fiscal year, the commissioner shall allocate the funds withheld under Subsection (a) to the ~~revolving services~~ account of each center each year of the biennium.

(c) Each regional education service center must use the money in the account established under this section in offering the core services required under Section 8.051 or in paying administrative and operational expenses of the center necessary in offering the core services.

SEC. 8.123. FUNDING FOR GRANTS. (a) For the state fiscal biennium ending August 31, 1997, the commissioner shall withhold ____ from funds appropriated from the foundation school fund and shall distribute that amount as:

(1) competitive grants for regional education service centers to use for developing and implementing innovative regional strategies or programs; and

(2) emergency grants to regional education service centers for small and isolated school districts to ensure that those districts receive the core services required under Section 8.051.

(b) The commissioner shall determine for which strategies or programs and to which regional education service centers ~~or school districts~~ to distribute funds under this section.

(c) The commissioner shall deposit in each regional education service center's revolving services account the amount of funds to be distributed to the center under this section.

SEC. 8.124. FUNDING FOR OTHER INSTRUCTIONAL SERVICES. (a) For the state fiscal biennium ending August 31, 1997, the commissioner shall distribute funds appropriated from the foundation school fund or from any other source for providing school district employees instructional services other than core services required under Section 8.051.

(b) The commissioner shall distribute funds under this section ~~either~~ directly ~~to a school district or~~ to a regional education service center as provided by this section.

(c) As soon as practicable after enactment of the General Appropriations Act for the state fiscal biennium ending August 31, 1997, the commissioner shall notify each ~~school district~~ regional education service center of the amount available for ~~the school district to use in providing instructional services other than core services.~~

~~(d) If a school district chooses to receive the funds directly, the commissioner shall distribute to the district 90 percent of the funds available for the fiscal year for that district under this section. The district must use the money for providing instructional services. The district may provide the services by itself, in cooperation with one or more other districts, or under contract with one or more public or private entities, including a regional education service center other than the center for the region in which the district is located. The school district must file a plan with the commissioner describing the district's instructional services policy, and the commissioner shall provide an agency representative to oversee delivery of the services in accordance with the plan. The commissioner shall deposit in the revolving account of the regional education service center for the region in which the district is located the 10 percent of the funds available for the fiscal year that is not distributed to the district.~~

~~(d) (e) If instead of receiving the funds directly under this section a district chooses to receive the instructional services through the regional education service center for the region in which the district is located, The commissioner shall deposit in the each center's revolving services account 100 percent of the funds available to the district center under this section for the fiscal year, and the center may use those funds only in providing instructional services to the districts, as prescribed in an agreement between the center and the district.~~

SEC. 8.125. CONTRACTS FOR GRANTS. Each regional education service center board of directors, under rules adopted by the State Board of Education, may enter into a contract for a grant from a public or private organization and may spend grant funds in accordance with the terms of the contract.

[Chapters 9 and 10 reserved for expansion]

Amendment No. 31

Representative Thompson offered the following amendment to Amendment No. 30:

Amend Amendment No. 30 by Uher by adding a new provision to read as follows:

() On page 33, line 15 strike "[Sections 8.055-8.100 reserved for expansion]" and substitute the following:

Sec. 8.055. DUPLICATION OF SERVICES PROHIBITED. Training, technical assistance, programs, services, or products a regional education service center is required to provide by state law or rule or is requested to provide by a school district may not be provided by a county department of education.

[Sections 8.056-8.100 reserved for expansion]

Representative Uher moved to table Amendment No. 31.

The motion to table prevailed.

Representative Sadler moved to table Amendment No. 30.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 4, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 202 by Patterson, Jerry, relating to the provision of certain services provided through health maintenance organizations.

SB 392 by Turner, Jim, relating to contingency longevity pay for Texas Youth Commission employees in hazardous duty positions.

SB 667 by Madla, relating to the disclosure of health and mental health care information by certain providers of health care or mental health care.

SB 793 by Harris, Chris, relating to the enforcement of certain child support and medical support obligations; appropriating certain federal funds.

SB 1500 by Montford and Rosson, relating to the transportation and disposal of low-level radioactive waste.

Respectfully,
Betty King
Secretary of the Senate

CSSB 1 - (consideration continued)

Amendment No. 32

Representative Williamson offered the following amendment to **CSSB 1**:
Floor No. 8-3

Amend proposed Title 1, Chapter 1, Subchapter D, Sections 8.122-8.124, Education Code, in **CSSB 1** as follows:

Sec. 8.122. FUNDING FOR CORE AND OTHER INSTRUCTIONAL

SERVICES. (a) For the state fiscal biennium ending August 31, 1997, the commissioner shall withhold 47 303 992 from funds appropriated from the foundation school fund.

(b) Subject to Section 8.124, in amounts proportionate to the amount of state funds each regional education service center received for the 1994-1995 state fiscal year, the commissioner shall allocate the funds withheld under Subsection (a) to each center.

(c) Each regional education service center must use the money in the account allocated under this section in offering the core services and other instructional services required under Section 8.051 and Section 8.124 or in paying administrative and operational expenses of the center necessary in offering the core services.

Sec. 8.123. FUNDING FOR GRANTS. (a) For the state fiscal biennium ending August 31, 1997, the commissioner shall withhold 3 000 000 from funds appropriated from the foundation school fund and shall distribute that amount as:

(1) competitive grants for regional education service centers to use for developing and implementing innovative regional strategies or programs; and

(2) emergency grants to small and isolated school districts to ensure that those districts receive the core services required under Section 8.051.

(b) The commissioner shall determine for which strategies or programs and to which regional education service centers or school districts to distribute funds under this section.

(c) The commissioner shall deposit in each regional education service center's revolving account the amount of funds to be distributed to the center under this section.

Sec. 8.124. FUNDING FOR OTHER INSTRUCTIONAL SERVICES. (a) For the state fiscal biennium ending August 31, 1997, the commissioner shall distribute funds appropriated from the foundation school fund or from any other source for providing school district employees instructional services.

(b) The commissioner shall distribute funds under this section either directly to a school district or to a regional education service center as provided by this section.

(c) As soon as practicable after enactment of the General Appropriations Act for the state fiscal biennium ending August 31, 1997, the commissioner shall notify each school district of the amount available for the school district to use in providing instructional services.

Amendment No. 32 was adopted without objection.

Amendment No. 33

Representative Williamson offered the following amendment to **CSSB 1**:
Floor No. 8-4

Amend **CSSB 1** as follows: In Title 1, Chapter 1, Subchapter C, Section 8.124(e) to read:

(e) If instead of receiving the funds directly under this section a district chooses to receive the instructional services through the regional education service center for the region in which the district is located, the commissioner shall allocate the funds available to the district under this section for the fiscal year, and the center may use those funds in providing instructional services to the district as prescribed in an agreement between the center and the district.

Amendment No. 33 was adopted without objection.

Amendment No. 34

Representative Alonzo offered the following amendment to **CSSB 1**:
Floor No. 11-1

Amend **CSSB 1** as follows:

(1) In SECTION 1 of the bill, in proposed Subchapter C, Chapter 11, Education Code (House Committee Report, page 39, between lines 7 and 8), insert a new Section 11.0511 to read as follows:

Sec. 11.0511. ELIGIBILITY OF CERTAIN RESIDENT LEGAL ALIENS TO VOTE IN ELECTION OF BOARD OF TRUSTEES. A person who holds a limited-use voter registration certificate issued by the secretary of state under Chapter 20, Election Code, may vote in an election held under this chapter for the board of trustees of a school district.

(2) Add the following SECTION, appropriately numbered, and renumber the existing SECTIONS of the bill accordingly:

SECTION _____. VOTING BY RESIDENT ALIENS IN CERTAIN SCHOOL BOARD ELECTIONS. Title 2, Election Code, is amended by adding Chapter 20 to read as follows:

CHAPTER 20. VOTING BY RESIDENT ALIENS
IN CERTAIN SCHOOL BOARD ELECTIONS

Sec. 20.001. (a) A person who is lawfully admitted for permanent residence, as defined by 8 U.S.C. Section 1101, is entitled to a limited-use voter registration certificate issued by the secretary of state under this section. A person who holds a limited-use voter registration certificate issued under this section may vote only in an election held under Chapter 11, Education Code, for the board of trustees of a school district.

(b) The secretary of state shall prescribe the design and content of a:

(1) form to apply for registration to vote by a person who is qualified to vote under this section; and

(2) limited-use voter registration certificate for a person who has registered to vote under this section.

(c) The procedure for the administration of a limited-use voter registration certificate issued under this section is the same as the procedure for the administration of a voter registration certificate under this title.

(d) The secretary of state shall adopt rules for the verification of a person's status at the time a person applies to register to vote under this section.

Representative Sadler moved to table Amendment No. 34.

A record vote was requested.

The motion to table prevailed by (Record 305): 108 Yeas, 29 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Bosse; Brady; Brimer; Carona; Carter; Chisum; Clemons; Coleman; Combs; Cook; Corte; Counts; Crabb; Craddick; Culberson; Dear; Delisi; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Gallego; Glaze; Goodman; Goolsby; Gray; Greenberg; Grusendorf; Hamric; Harris; Hartnett; Hawley; Heflin; Hernandez; Hightower; Hilbert; Hilderbran;

Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Johnson; Jones, D.; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis, R.; Luna; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Nixon; Oakley; Ogden; Park; Patterson; Pickett; Pitts; Place; Puente; Rabuck; Ramsay; Raymond; Reyna; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Turner, B.; Van de Putte; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yarbrough; Yost.

Nays — Alonzo; Alvarado; Bailey; Conley; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dutton; Ehrhardt; Farrar; Jones, J.; King; Lewis, G.; Longoria; Maxey; McDonald; Moreno; Naishtat; Oliveira; Price; Rangel; Serna; Thompson; Torres; Turner, S.; Uher.

Present, not voting — Mr. Speaker; Black(C).

Absent, Excused — Solis.

Absent — Berlanga; Dukes; Edwards; Giddings; Gutierrez; Haggerty; Hudson; Munoz; Wilson; Zbrank.

STATEMENTS OF VOTE

I was shown voting no on Record No. 305. I intended to vote yes.

R. Cuellar

I was shown voting no on Record No. 305. I intended to vote yes.

De La Garza

Amendment No. 35

Representative Hill offered the following amendment to **CSSB 1**:

Floor No. 11-1a

Amend **CSSB 1** by adding the following sections, appropriately numbered, and renumbering the existing sections of the bill accordingly:

SECTION _____. Section 21.007, Education Code, is amended to read as follows:

Sec. 21.007. **QUALIFICATIONS OF TRUSTEES.** (a) No person shall be elected as a trustee of a school district in this state unless he is a qualified voter. This section does not apply to a school district trustee elected or appointed before August 30, 1965.

(b) A person may not serve as a trustee of a school district if:

(1) the person is related within the second degree by consanguinity or first degree by affinity, as determined under Subchapter B, Chapter 573, Government Code, to a person employed by the district in other than a secretarial or custodial position; or

(2) the person is employed by a school district or educational institution that is supported by school district taxes or state funds under Chapter 15 or 16.

SECTION _____. The changes in the qualifications of school trustees made by the amendment of Section 21.007, Education Code, by this Act apply only to a person elected or appointed as a school trustee on or after the effective

date of this Act but apply regardless of whether the person is an incumbent to the position.

Amendment No. 36

Representative Hill offered the following amendment to Amendment No. 35:

Amend Amendment No. 35 by Hill by striking lines 1-24 and substituting the following:

(1) In SECTION 1 of the bill, in proposed Section 11.063, Education Code (House Committee Report, page 48, between lines 19 and 20), insert a new Subsection (c) to read as follows and reletter subsequent subsections accordingly:

(c) A person may not serve as a trustee of a school district if:

(1) the person is related within the second degree by consanguinity or first degree by affinity, as determined under Subchapter B, Chapter 573, Government Code, to a person employed by the district in other than a secretarial or custodial position; or

(2) the person is employed by the school district.

(2) Insert an appropriately numbered section to read as follows and renumber subsequent subsections accordingly:

SECTION . TRANSITION PROVISION RELATING TO SECTION 11.063, EDUCATION CODE. The changes in the qualifications of school trustees made by Section 11.063(c), as added by this Act, apply only to a person elected or appointed as a school trustee on or after the effective date of this Act but apply regardless of whether the person is an incumbent to the position.

Amendment No. 36 was adopted without objection.

Representative Swinford moved to table Amendment No. 35, as amended.

The motion to table prevailed. (Bosse recorded present, not voting)

REASON FOR VOTE

Please show me voting "Present, not voting" on amendment 11-1a, as amended, to **SB 1** because an employee in my district office is a candidate for school trustee in the May 6 election against the wife of a school employee.

I do not think it appropriate to use my vote in this house as an expression of opinion on that election.

Bosse

Amendment No. 37

Representative G. Lewis offered the following amendment to **CSSB 1**:
Floor No. 11-3

Amend **CSSB 1** in SECTION 1 of the bill, immediately following proposed Section 11.053, Education Code (House committee report, page 42, between lines 22 and 23), by inserting the following:

Sec. 11.0535. DISTRICTS WITH MORE THAN 65,000 SCHOLASTICS

IN CERTAIN COUNTIES. (a) This section applies only to an independent school district with more than 65,000 students in average daily attendance in a county having two or more municipalities with a population of 250,000 or more. For purposes of this subsection, a municipality is located in a county if more than 95 percent of the municipality's population resides in that county.

(b) An independent school district, whether created by special or general law, shall be under the management and control of a board of nine trustees elected in accordance with this section.

(c) All members of the board of trustees shall be elected by the qualified voters of single-member districts. The board shall elect one of its members as president of the board and another member as vice president.

(d) At least 120 days before the first school board election at which a district elects trustees under this section, the board shall divide the school district into nine trustee districts that are compact, contiguous, and contain as nearly as practicable an equal population.

(e) Except as provided for the initial election under single-member districts, a candidate seeking to represent a trustee district must reside in the district he seeks to represent and vacates his office if he ceases to reside in that district.

(f) A candidate must receive a majority of the votes cast in a position to be elected.

(g) At least 120 days before an election to be held in the second year following the calendar year in which the federal decennial census is taken, the board shall redive the district into nine trustee districts if the census data indicate that the population of the most populous district exceeds the population of the least populous district by more than 10 percent.

(h) In districts that elect eight board members from single-member districts on the date the district becomes subject to this section, members of the board serving on that date shall serve for the remainder of their terms, except those choosing to resign. At the first election at which a district first elects trustees under this section, five members shall be elected to serve for a term of four years. The members of the board holding the offices for which there was no election shall draw lots to determine which trustee district they will represent during the remainder of their terms. Thereafter, all members shall be elected to staggered terms of four years.

(i) For the purposes of this section, average daily attendance is defined as the number of students enrolled and in attendance on average during the last 10 school days of September in each school year.

(Speaker in the chair)

Representative Sadler moved to table Amendment No. 37.

The motion to table prevailed.

MESSAGE FROM THE SENATE

Austin, Texas, May 4, 1995

The Honorable Speaker of the House of Representatives
House Chamber

The Honorable
Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has passed the following:

SB 1198 by Ellis, relating to the power of a municipality to abate certain nuisances that are dangerous to the public health or safety; creating a civil penalty.

SB 1395 by Barrientos, relating to authorizing agreements affecting annexation between certain political subdivisions of the state.

Respectfully,
Betty King
Secretary of the Senate

CSSB 1 - (consideration continued)

Amendment No. 38

Representative Thompson offered the following amendment to **CSSB 1**:
Floor No. 11-2

Amend **CSSB 1** as follows:

(1) Delete lines 8 through 27 on page 39 and lines 1 through 15 on page 40 (Secs. 11.052(a), (b) and (c)) and substitute the following:

Sec. 11.052. SINGLE-MEMBER TRUSTEE DISTRICTS. (a) Except in districts with fewer than 1000 students or as provided by Sec. 11.054 of this Subchapter, not fewer than seventy percent of the members of boards of trustees shall be elected from single-member districts.

(2) Reletter Subsections (d) through (g) on pages 40 and 41 as Subsections (b) through (e).

Representative Sadler moved to table Amendment No. 38.

The motion to table prevailed.

Amendment No. 39

Representative Moffat offered the following amendment to **CSSB 1**:
Floor No. 11-5

Amend **CSSB 1** as follows:

Delete Sec. 11.054

Representative Sadler moved to table Amendment No. 39.

A record vote was requested.

The motion to table prevailed by (Record 306): 79 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Berlanga; Black; Bosse; Brady; Clemons; Coleman; Conley; Cook; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; De La Garza; Dear; Dukes; Edwards; Eiland; Farrar; Gallego; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Haggerty; Hawley; Hernandez; Hirschi; Hochberg; Hudson; Hunter, T.; Johnson; Jones, D.; Jones, J.;

King; Lewis, G.; Longoria; Luna; Maxey; McCoulskey; McDonald; Moreno; Mowery; Naishtat; Oakley; Oliveira; Patterson; Place; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Shields; Thompson; Torres; Turner, B.; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wolens; Yarbrough.

Nays — Allen; Averitt; Bailey; Brimer; Carona; Carter; Chisum; Combs; Corte; Crabb; Craddick; Culberson; Davis; Delisi; Denny; Driver; Duncan; Ehrhardt; Elkins; Finnell; Goolsby; Hamric; Hartnett; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Kamel; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; Moffat; Munoz; Nixon; Ogden; Park; Pitts; Rabuck; Ramsay; Reyna; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Tillery; Wilson; Woolley; Yost.

Present, not voting — Mr. Speaker(C); Dutton.

Absent, Excused — Solis.

Absent — Harris; Junell; Krusee; Pickett; Wohlgemuth; Zbraneck.

STATEMENT OF VOTE

When Record No. 306 was taken, I was in the house but away from my desk. I would have voted yes.

Pickett

(Solis now present)

Amendment No. 40

Representative Moffat offered the following amendment to **CSSB 1**:

Floor No. 11-7

Amend **CSSB 1** in SECTION 1 (House Committee Report, page 43, between lines 5 and 6) by adding the following at the end of proposed Section 11.054, Education Code:

(d) A school district may not conduct an election using cumulative or limited voting under this section unless the use of that voting procedure is approved by the voters of the school district at an election conducted for that purpose.

Representative Sadler moved to table Amendment No. 40.

A record vote was requested.

The motion to table was lost by (Record 307): 70 Yeas, 71 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Bosse; Coleman; Conley; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; De La Garza; Dear; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Gallego; Giddings; Glaze; Gray; Grusendorf; Gutierrez; Hernandez; Hirschi; Hochberg; Hudson; Johnson; Jones, D.; Jones, J.; King; Lewis, G.; Longoria; Luna; Maxey; McCoulskey; McDonald; Moreno; Naishtat; Oliveira; Patterson; Pickett; Place; Price; Puente;

Rangel; Raymond; Rhodes; Rodriguez; Romo; Sadler; Saunders; Seidlits; Serna; Solis; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Wilson; Wolens; Yarbrough.

Nays — Allen; Averitt; Black; Brady; Brimer; Carona; Carter; Chisum; Combs; Cook; Crabb; Craddick; Culberson; Davis; Delisi; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Goodman; Goolsby; Haggerty; Hamric; Harris; Hartnett; Hawley; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Junell; Kamel; Kubiak; Kuempel; Lewis, R.; Madden; Marchant; McCall; Moffat; Mowery; Munoz; Nixon; Ogden; Park; Pitts; Rabuck; Ramsay; Reyna; Rusling; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Turner, B.; Wohlgemuth; Woolley; Yost.

Present, not voting — Mr. Speaker(C).

Absent — Clemons; Corte; Greenberg; Krusee; Oakley; Telford; Willis; Zbranek.

STATEMENT OF VOTE

When Record No. 307 was taken, I was in the house but away from my desk. I would have voted no.

Corte

A record vote was requested.

Amendment No. 40 failed of adoption by (Record 308): 62 Yeas, 86 Nays, 1 Present, not voting.

Yeas — Allen; Black; Brady; Brimer; Carona; Carter; Chisum; Corte; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Elkins; Finnell; Goolsby; Haggerty; Hamric; Harris; Hartnett; Heflin; Hightower; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Janek; Junell; Kamel; Krusee; Kubiak; Kuempel; Lewis, R.; Madden; McCall; Moffat; Mowery; Munoz; Nixon; Ogden; Park; Pitts; Rabuck; Ramsay; Reyna; Shields; Siebert; Smithee; Solomons; Staples; Stiles; Swinford; Talton; Telford; Turner, B.; Woolley; Yost.

Nays — Alexander; Alonzo; Alvarado; Averitt; Bailey; Berlanga; Bosse; Clemons; Coleman; Combs; Conley; Cook; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Duncan; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Gallego; Giddings; Glaze; Goodman; Gray; Greenberg; Grusendorf; Gutierrez; Hawley; Hernandez; Hirschi; Hochberg; Hudson; Hunter, T.; Johnson; Jones, D.; Jones, J.; King; Lewis, G.; Longoria; Luna; Marchant; Maxey; McCoulskey; McDonald; Moreno; Naishtat; Oakley; Oliveira; Patterson; Pickett; Place; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Rusling; Sadler; Saunders; Seidlits; Serna; Solis; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Walker; West; Williamson; Willis; Wilson; Wohlgemuth; Wolens; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent — Zbranek.

STATEMENT OF VOTE

I was shown voting no on Record No. 308. I intended to vote yes.

Greenberg

Amendment No. 41

Representative Maxey offered an amendment (Floor No. 11-8) to **CSSB 1**.

Amendment No. 41 was withdrawn.

Amendment No. 42

Representative Alonzo offered the following amendment to **CSSB 1**:

Floor No. 11-9

Amend **CSSB 1** in SECTION 1 of the bill, by striking proposed Section 11.063(d), Education Code (House Committee Report, page 49, line 1), and substituting the following:

(d) Each trustee is entitled to receive at least \$25 for each board meeting the trustee attends.

Amendment No. 43

Representative Alonzo offered the following amendment to Amendment No. 42:

Amend amendment No. 42 by Alonzo to **CSSB 1** on page 1, line 4, between "receive", and "at", by inserting ", from local funds of the district,".

Amendment No. 43 was adopted without objection.

Representative Sadler moved to table Amendment No. 42, as amended.

The motion to table prevailed.

Amendment No. 44

Representative R. Lewis offered the following amendment to **CSSB 1**:

Floor No. 11-13

Amend **CSSB 1** as follows:

(1) In SECTION 2 of the bill, proposed Section 11.112, Education Code (Committee substitute page 57, line 4) strike Section 11.112 and substitute the following:

Sec. 11.112. EMPLOYMENT POLICY

(a) The board of trustees of a school district shall adopt a policy that provides for the employment of district personnel.

(b) Except on the recommendation of the superintendent or as provided by Subchapter C, Chapter 21, the board may not make a decision concerning the selection, promotion, or dismissal of district personnel other than the superintendent.

(c) The board may delegate final decision-making authority to the superintendent concerning the selection, promotion, or dismissal of district personnel.

(2) In SECTION 2 of the bill, proposed CHAPTER 11, SUBCHAPTER D, Education Code (Committee substitute page 49, line 14) add a new Section 11.113 on page 57 to read as follows and renumber accordingly:

Sec. 11.113. SUPERINTENDENT. (a) The superintendent is the educational leader and the chief executive officer of the school district.

(b) The duties of the superintendent include:

(1) assuming administrative responsibility and leadership for the planning, operation, supervision, and evaluation of the educational programs, services, and facilities of the district and for the annual performance appraisal of district personnel;

(2) assuming administrative authority and responsibility for the assignment and evaluation of all personnel of the district other than the superintendent;

(3) making recommendations to the board of trustees regarding the selection, promotion, and dismissal of district personnel other than the superintendent, in accordance with local board policies;

(4) managing the day-to-day operations of the district as its chief executive officer;

(5) preparing a budget covering all estimated revenue and proposed expenditures of the district for the succeeding fiscal year, according to generally accepted accounting principles, rules adopted by the State Board of Education, and adopted policies of the board of trustees;

(6) preparing recommendations for policies to be adopted by the board of trustees and overseeing the implementation of adopted policies;

(7) developing appropriate administrative regulations to implement policies established by the board of trustees;

(8) providing leadership for the attainment of student performance in the district based on the indicators adopted under Subchapter C, Chapter 39 and other indicators adopted by the State Board of Education or the district's board of trustees;

(9) organizing the district's administration; and

(10) performing any other duties assigned by the board of trustees.

Amendment No. 45

Representative R. Lewis offered the following amendment to Amendment No. 44:

Amend amendment no. 44 by Lewis to **CSSB 1** as follows:

(1) In item "(1)", strike substituted Section 11.112(b) and substitute the following:

(b) Other than actions related to the superintendent, the board may not make a decision concerning the selection or promotion of district personnel without a recommendation from the superintendent.

(2) In item "(1)", strike substituted Section 11.112(c).

(3) In item "(2)", at the end of added Section 11.113(b)(8), insert "and".

(4) In item "(2)", strike added Section 11.113(b)(9) and renumber the remaining subdivision.

Amendment No. 45 was adopted.

Representative Sadler moved to table Amendment No. 44, as amended.

The motion to table prevailed.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Rabuck on motion of Swinford.

CSSB 1 - (consideration continued)

Amendment No. 46

Representative Duncan offered an amendment (Floor No. 11-14) to **CSSB 1**.

Amendment No. 46 was withdrawn.

Amendment No. 47

Representatives J. Jones and Davis offered the following amendment to **CSSB 1**:

Floor No. 11-15

Amend **CSSB 1** as follows:

(1) In SECTION 1 of the bill, immediately following proposed Section 11.112, Education Code (House Committee Report, page 57, between lines 8 and 9), insert the following new section and renumber the subsequent section appropriately:

Sec. 11.113. REQUIRED PERSONNEL ACTIVITIES OCCURRING OUTSIDE OF REGULAR SCHOOL DAY. (a) The board of trustees of each independent school district shall adopt a policy governing meetings or group activities occurring outside the regular school day that district personnel are required or expected to attend. The policy must provide for payment of reasonable compensation to district personnel for attendance at the meetings or group activities.

(b) In this section, "regular school day" means the number of hours of service each school day that an employee is required to provide under the employee's contract with the school district.

(2) In SECTION 1 of the bill, immediately following proposed Section 11.113, Education Code (House Committee Report, page 57, line 17), strike "[Sections 11.114-11.200 reserved for expansion]" and substitute "[Sections 11.115-11.200 reserved for expansion]".

Amendment No. 48

Representative Davis offered an amendment to Amendment No. 47.

Amendment No. 48 was withdrawn.

Amendment No. 49

Representative Davis offered the following amendment to Amendment No. 47:

Amend the J. Jones and Davis amendment by striking the final sentence of proposed section 11.113(a) (page 1, lines 10-12, of the amendment).

Amendment No. 49 was adopted without objection.

Amendment No. 47, as amended, was adopted without objection. (Driver and T. Hunter recorded voting no)

Amendment No. 50

Representative Hill offered the following amendment to **CSSB 1**:

Floor No. 11-16

Amend **CSSB 1** by adding the following sections, appropriately numbered, and renumbering the existing sections of the bill accordingly:

SECTION _____. Subchapter Z, Chapter 21, Education Code, is amended by adding Section 21.940 to read as follows:

Sec. 21.940. TRAVEL EXPENSES. A school district may pay the reasonable travel expenses incurred by a member of the board of trustees or district employee while performing district duties at rates not to exceed the rates provided for state employees in the General Appropriations Act.

SECTION _____. Section 21.940, Education Code, as added by this Act, applies beginning with the 1995-1996 school year.

Amendment No. 51

Representative Hill offered the following amendment to Amendment No. 50:

Amend amendment no. 50 by Hill to **CSSB 1** by striking lines 1-12 and substituting the following:

Amend **CSSB 1** in SECTION 1 of the bill, immediately following proposed Section 11.065, Education Code (House Committee Report, page 49, line 13), by striking "[Sections 11.066-11.100 reserved for expansion]" and substituting the following:

Sec. 11.066. TRAVEL EXPENSES. A school district may pay the reasonable travel expenses incurred by a member of the board of trustees or district employee while performing district duties at rates not to exceed the rates provided by state employees in the General Appropriations Act.

[Sections 11.067-11.100 reserved for expansion]

Amendment No. 51 was adopted without objection.

Amendment No. 50, as amended, was adopted without objection.

Amendment No. 52

Representative Longoria offered an amendment (Floor No. 11-17) to **CSSB 1**.

Amendment No. 52 was withdrawn.

Amendment No. 53

Representative Dutton offered the following amendment to **CSSB 1**:

Floor No. 11-11

Amend proposed **CSSB 1** as follows:

(1) In SECTION 1 of the bill, in proposed Section 11.106(a), Education Code (House Committee Report, page 52, line 22), strike "county school trustees, the".

(2) In SECTION 1 of the bill, in proposed Section 11.106(a), Education Code (House Committee Report, page 52, line 23), strike the comma between "district" and "or".

(3) In SECTION 1 of the bill, strike the heading to proposed Subchapter F, Chapter 11, Education Code (House Committee Report, page 65, lines 21 and 22), and substitute the following:

SUBCHAPTER F. LAW APPLICABLE TO CERTAIN SCHOOL DISTRICTS

(4) In SECTION 1 of the bill, in proposed Section 11.251(a), Education Code (House Committee Report, page 65, line 24), strike "or county system" and "17, 18,".

(5) In SECTION 1 of the bill, in proposed Section 11.252, Education Code (House Committee Report, page 66, lines 11, 14, and 15), strike "or county system" each place it appears.

(6) In SECTION 1 of the bill, in proposed Section 25.031, Education Code (House Committee Report, page 189, lines 8 and 9), strike "or the board of county school trustees".

(7) In SECTION 1 of the bill, in proposed Section 25.032, Education Code (House Committee Report, page 189, line 13), strike ", the board of county school trustees,".

(8) In SECTION 1 of the bill, in proposed Section 25.034(a), Education Code (House Committee Report, page 190, line 2), strike "or the board of county school trustees".

(9) In SECTION 1 of the bill, in proposed Section 25.035, Education Code (House Committee Report, page 191, lines 11 and 12), strike "or the boards of county school trustees of two or more adjoining counties".

(10) In SECTION 1 of the bill, in proposed Section 25.040(a), Education Code (House Committee Report, page 193, line 17), strike "(a)".

(11) In SECTION 1 of the bill, strike proposed Section 25.040(b), Education Code (House Committee Report, page 193, line 27, through page 194, line 2).

(12) In SECTION 1 of the bill, in proposed Section 34.007(a), Education Code (House Committee Report, page 328, line 22), strike "board of county school trustees or a".

(13) In SECTION 1 of the bill, in proposed Section 34.007(a), Education Code (House Committee Report, page 328, line 24), strike "county or district, as applicable", and substitute "district".

(14) In SECTION 1 of the bill, in proposed Section 34.007(b), Education Code (House Committee Report, page 328, line 26), strike "county or".

(15) In SECTION 1 of the bill, in proposed Section 34.008(a), Education Code (House Committee Report, page 329, line 3), strike "board of county school trustees or".

(16) In SECTION 1 of the bill, in proposed Section 34.008(b), Education Code (House Committee Report, page 329, line 14), strike "county or".

(17) In SECTION 1 of the bill, in proposed Section 34.009(a), Education

Code (House Committee Report, page 329, line 20), strike "board of county school trustees or".

(18) In SECTION 1 of the bill, in proposed Section 34.009(a), Education Code (House Committee Report, page 329, lines 22 and 24), strike "county or" both places it appears.

(19) In SECTION 1 of the bill, in proposed Section 34.009(c), Education Code (House Committee Report, page 330, line 1), strike "county or".

(20) In SECTION 1 of the bill, in proposed Section 34.009(h), Education Code (House Committee Report, page 331, line 3), strike "board of county school trustees or".

(21) In SECTION 1 of the bill, in proposed Section 34.010(a), Education Code (House Committee Report, page 331, lines 21 and 22), strike "or board of county school trustees".

(22) In SECTION 1 of the bill, in proposed Section 34.010(a), Education Code (House Committee Report, page 331, line 24), strike "county or".

(23) In SECTION 1 of the bill, in proposed Section 34.011, Education Code (House Committee Report, page 332, lines 7 and 8), strike "board of county school trustees or".

(24) In SECTION 1 of the bill, strike proposed Section 44.052(a), Education Code (House Committee Report, page 511, line 26 through page 512, line 3), and reletter the subsequent subsections appropriately.

(25) Add the following SECTION, appropriately numbered, and renumber the existing SECTIONS of the bill accordingly:

SECTION _____. (a) Each county board of education, board of county school trustees, and office of county school superintendent in the state is abolished effective September 1, 1995.

(b) The powers and duties of a board or office of county school superintendent contained in Chapter 17, Education Code, as that chapter existed on January 1, 1995, vest in the governing boards of the component school districts in the county.

(c) All assets, liabilities, and contracts of a board abolished by this section are transferred to the commissioners court of the county in trust for the component school districts in the county. The commissioners court shall, not later than September 1, 1996, distribute the assets remaining after discharge of the board's liabilities to the component school districts in the county in proportionate shares equal to the proportion that the membership in each district bears to total membership in the county as of May 1, 1995. The commissioners court may liquidate board assets as necessary to discharge board liabilities and facilitate the distribution of assets. A person authorized by the board shall execute any documents necessary to complete the transfer of assets, liabilities, or contracts.

(d) The component school districts of a board abolished by this section shall collect and use any delinquent taxes imposed by the board in the manner provided by rule of the commissioner of education.

(e) Notwithstanding any other provision of this Act, a county board of education, board of county school trustees, or a county school superintendent operating under Chapter 17 or 18, Education Code, as those chapters existed on January 1, 1995, may continue to operate under those chapters until September 1, 1995, and those chapters are continued in effect for that purpose.

Amendment No. 54

Representative Dutton offered the following amendment to Amendment No. 53:

Amend Amendment No. 11-11 by Dutton as follows:

(1) Strike line 2, page 1, through line 1, page 4.

(2) Insert a new provision to read as follows:

In SECTION 1 of the bill, on page 65 (House Committee Report, page 66, between "chapter" and the period, insert ", except that a county system operating in a county with a population of more than 2.8 million cannot duplicate services provided by a school district.

(2) On page 4, line 4, strike "in the state" and substitute "in a county with a population more than 2.8 million".

Amendment No. 54 was adopted without objection.

Representative Hochberg moved to table Amendment No. 53, as amended.

The motion to table prevailed.

Amendment No. 55

Representative Hernandez offered the following amendment to **CSSB 1**:
Floor No. 11-19

Amend **CSSB 1** on page 58, line 13, by striking "may" and substituting "shall".

Amendment No. 55 was adopted without objection.

Amendment No. 56

Representative Chisum offered an amendment (Floor No. 11-21) to **CSSB 1**.

Amendment No. 56 was withdrawn.

Amendment No. 57

Representatives Craddick and Chisum offered the following amendment to **CSSB 1**:

Floor No. 11-20

Amend **CSSB 1** as follows:

(1) Amend Section 11.201(d), page 59, by striking the sentence that begins on line 8.

(2) Amend Section 11.201(e), page 59, by striking lines 21-27, and substitute the following: "for the selection of parents, community members and business representatives to serve on the district-level committee."

(3) Amend Section 11.203(e), page 64, by striking the sentence that begins on line 16.

(4) Amend Section 11.204(b), page 65, line 13, by striking the word "statewide" and substituting the word "random."

(5) Amend Section 21.151(c), page 145, line 19, by striking the words "with the approval of the district-level committee established under Section 11.201,"

(6) Amend Section 21.352(b), page 168, lines 1-2, by striking the words "developed and approved by" and substituting "planned with the involvement of".

(7) Amend Section 21.352(c), page 168, line 17, by striking the words "developed and approved through" and substituting "planned with the involvement of".

(8) Amend Section 37.001(a), page 332, lines 15-16, by striking the words "with the advice and consent of its district-level committee established under Section 11.201,"

Amendment No. 58

Representatives Craddick and Chisum offered the following amendment to Amendment No. 57:

Amend the Craddick and Chisum amendment identified as 11-20 to read as follows:

Amend **CSSB 1** as follows:

(1) Amend Section 11.201(e), page 59, by striking lines 21-27, and substitute the following: "for the selection of parents, community members and business representatives to serve on the district-level committee."

(2) Amend Section 11.203(e), page 64, by striking the words "must approve" on line 17, and inserting the words "shall be involved in developing".

(3) Amend Section 11.204(b), page 65, line 13, by striking the word "statewide" and substituting the word "random."

(4) Amend Section 21.151(c), page 145, line 19, by striking the word "approval" and substitute the word "advice".

(5) Amend Section 21.352(b), page 168, lines 1-2, by striking the words "developed and approved by" and substituting "planned with the involvement of".

(6) Amend Section 21.352(c), page 168, line 17, by striking the words "developed and approved through" and substituting "planned with the involvement of".

(7) Amend Section 37.001(a), page 332, lines 15-16, by striking the words "and consent".

Amendment No. 58 was adopted without objection.

Representative Sadler moved to table Amendment No. 57, as amended.

A record vote was requested.

The motion to table prevailed by (Record 309): 78 Yeas, 62 Nays, 1 Present, not voting.

Yeas — Alexander; Alonzo; Alvarado; Bailey; Berlanga; Black; Bosse; Coleman; Combs; Conley; Cook; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dear; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Gallego; Giddings; Glaze; Gray; Greenberg; Grusendorf; Gutierrez; Hawley; Hernandez; Hightower; Hirschi; Hochberg; Hudson; Hunter, T.; Janek; Jones, J.; Junell; King; Lewis, G.; Lewis, R.; Longoria; Luna; Maxey; McCoulskey; McDonald; Moreno; Munoz; Naishtat; Oakley; Oliveira; Patterson; Pickett; Place; Price; Puente; Rangel; Raymond; Rhodes; Rodriguez; Romo; Sadler; Seidlits; Serna;

Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Van de Putte; Williamson; Willis; Wilson; Yarbrough.

Nays — Allen; Averitt; Brady; Brimer; Carona; Carter; Chisum; Corte; Counts; Crabb; Craddick; Culberson; Delisi; Denny; Driver; Duncan; Elkins; Finnell; Goodman; Goolsby; Haggerty; Hamric; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Holzheuser; Horn; Howard; Hunter, B.; Jackson; Johnson; Kamel; Krusee; Kubiak; Kuempel; Madden; Marchant; McCall; Moffat; Nixon; Ogden; Park; Pitts; Ramsay; Reyna; Rusling; Saunders; Shields; Siebert; Solomons; Staples; Swinford; Talton; Turner, B.; Uher; Walker; West; Wohlgemuth; Wolens; Woolley.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Rabuck.

Absent — Clemons; Farrar; Harris; Jones, D.; Mowery; Smithee; Yost; Zbranek.

STATEMENT OF VOTE

When Record No. 309 was taken, I was temporarily out of the house chamber. I would have voted yes.

Clemons

Amendment No. 59

Representative Davila offered the following amendment to **CSSB 1**:

Floor No. 11-23

Amend **CSSB 1** on page 61, line 16, by inserting the following after the word "prevention":

" , conflict resolution, violence prevention, "

Amendment No. 59 was adopted without objection.

Amendment No. 60

Representative Rodriguez offered the following amendment to **CSSB 1**:

Floor No. 11-24

In proposed Section 11.202, Education Code (page 63, Line 7) add the following:

(f) A superintendent shall regularly consult the district-level committee in the planning, operation, supervision, and evaluation of the district educational program. A superintendent who intentionally fails to implement or who intentionally obstructs the implementation of the district-level decision process is subject to discipline by the Commissioner of Education.

Amendment No. 61

Representative Rodriguez offered the following amendment to Amendment No. 60:

Amend the Rodriguez amendment amending Section 11.202 to read as follows:

In proposed Section 11.202, Education Code (page 63, Line 7) add the following:

(f) A superintendent shall regularly consult the district-level committee in the planning, operation, supervision, and evaluation of the district educational program.

Amendment No. 61 was adopted without objection.

Amendment No. 60, as amended, was adopted without objection.

Amendment No. 62

Representative Rodriguez offered the following amendment to **CSSB 1**:
Floor No. 11-25

In proposed Section 11.203, Education Code (page 65, Line 6) add the following:

(h) A principal shall regularly consult the school committee in the planning, operation, supervision, and evaluation of the campus educational program. A principal who intentionally fails to implement or who intentionally obstructs the implementation of the site-based decision making is subject to discipline by the Commissioner of Education.

Amendment No. 63

Representative Rodriguez offered the following amendment to Amendment No. 62:

Amend the Rodriguez amendment to 11.203(h), Education Code, to read as follows:

In proposed Section 11.203, Education Code (page 65, Line 6) add the following:

(h) A principal shall regularly consult the school committee in the planning, operation, supervision, and evaluation of the campus educational program.

Amendment No. 63 was adopted without objection.

Amendment No. 62, as amended, was adopted without objection.

Amendment No. 64

Representative Hochberg offered the following amendment to **CSSB 1**:
Floor No. 12-1

AMEND CSSB 1 AS FOLLOWS:

On page 69, line 24, between "charter" and ";", insert "as provided by Subchapter B".

On page 69, line 25, between "charter" and ";", insert "as provided by Subchapter C".

On page 69, line 26, between "facility" and ".", insert "as provided by Subchapter D".

On page 71, line 10, between "subchapter" and ";", insert "as determined by commissioner".

On page 72, line 12, delete "residents of the district who are".

On page 76, lines 21 and 22, replace ", another law, or state agency rule" with "or other applicable federal or state law or rule."

Amendment No. 64 was adopted without objection.

Amendment No. 65

Representative Uher offered the following amendment to **CSSB 1**:
Floor No. 12-2

Amend **CSSB 1**, in SECTION 1 of the bill, by striking proposed Section 12.011, Education Code (House Committee Report, page 70, lines 3-5), and substituting the following:

Sec. 12.011. AUTHORIZATION. (a) Not later than June 1, 1996, the State Board of Education shall select not more than 20 independent school districts that may operate under a home-rule school district charter in accordance with this subchapter.

(b) A district selected by the State Board of Education may operate under this subchapter for a period not to exceed 10 years after the date the charter is adopted, unless at the end of that period the State Board of Education authorizes the district to continue operating under this chapter.

(c) The State Board of Education shall annually monitor the performance of home-rule school districts and shall report to the legislature on the status of each district selected under this section not later than January 1 of each odd-numbered year.

Representative Sadler moved to table Amendment No. 65.

(Black in the chair)

A record vote was requested.

The motion to table prevailed by (Record 310): 83 Yeas, 62 Nays, 2 Present, not voting.

Yeas — Alexander; Allen; Averitt; Brady; Brimer; Carona; Carter; Chisum; Clemons; Combs; Cook; Corte; Crabb; Craddick; Cuellar, H.; Culberson; Danburg; Dear; Delisi; Denny; Driver; Duncan; Elkins; Finnell; Gallego; Glaze; Goodman; Goolsby; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Junell; Kamel; King; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Nixon; Oakley; Ogden; Park; Pitts; Reyna; Rhodes; Rusling; Sadler; Saunders; Shields; Siebert; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Walker; West; Williamson; Willis; Wohlgemuth; Wolens; Woolley; Yost.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Bosse; Coleman; Conley; Counts; Cuellar, R.; Davila; Davis; De La Garza; Dukes; Dutton; Edwards; Ehrhardt; Eiland; Farrar; Giddings; Gray; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hirschi; Hudson; Johnson; Jones, D.; Jones, J.; Kubiak; Lewis, G.; Longoria; Luna; Maxey; McDonald; Moreno; Munoz; Naishtat; Oliveira; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Rodriguez; Romo; Seidlits; Serna; Solis; Stiles; Telford; Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Yarbrough.

Present, not voting — Mr. Speaker; Black(C).

Absent, Excused — Rabuck.

Absent — Wilson; Zbranek.

STATEMENT OF VOTE

I was shown voting yes on Record No. 310. I intended to vote no.

Gallego

Amendment No. 66

Representatives S. Turner, Farrar, Ehrhardt, De La Garza, Torres, Price, Longoria, Alonzo, Pickett, Van de Putte, Bailey, Hawley, Willis, Berlanga, Conley, Giddings, Coleman, Dukes, Davila, McDonald, Romo, Puente, R. Cuellar, Edwards, Serna, G. Lewis, Alvarado, Oliveira, Rodriguez, Davis, J. Jones, Thompson, Munoz, Wilson, Moreno, Rangel, Luna, Raymond, Gutierrez, Yarbrough, and Naishtat offered the following amendment to **CSSB 1**:

Floor No. 12-5

Amend **CSSB 1** as follows:

On page 70, line 2 ff. Delete Subchapter B.

(Speaker in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Kubiak on motion of Yarbrough.

CSSB 1 - (consideration continued)

Representative Sadler moved to table Amendment No. 66.

A record vote was requested.

The motion to table prevailed by (Record 311): 81 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Alexander; Allen; Averitt; Black; Brady; Brimer; Carona; Carter; Chisum; Combs; Cook; Corte; Crabb; Craddick; Culberson; Dear; Delisi; Denny; Driver; Duncan; Eiland; Elkins; Finnell; Glaze; Goodman; Goolsby; Gray; Grusendorf; Haggerty; Hamric; Harris; Hartnett; Heflin; Hilbert; Hilderbran; Hill; Hirschi; Hochberg; Holzheuser; Horn; Howard; Hunter, B.; Hunter, T.; Jackson; Janek; Junell; Kamel; King; Krusee; Kuempel; Lewis, R.; Madden; Marchant; McCall; McCoulskey; Moffat; Mowery; Nixon; Ogden; Park; Pitts; Reyna; Rhodes; Rusling; Sadler; Saunders; Shields; Siebert; Smithee; Solomons; Staples; Swinford; Talton; Turner, B.; Walker; West; Williamson; Wohlgemuth; Wolens; Woolley; Yost.

Nays — Alonzo; Alvarado; Bailey; Berlanga; Bosse; Clemons; Coleman; Conley; Counts; Cuellar, H.; Cuellar, R.; Danburg; Davila; Davis; De La Garza; Dukes; Dutton; Edwards; Ehrhardt; Farrar; Gallego; Giddings; Greenberg; Gutierrez; Hawley; Hernandez; Hightower; Hudson; Johnson; Jones, D.; Jones, J.; Lewis, G.; Longoria; Luna; Maxey; McDonald; Moreno; Munoz; Naishtat; Oakley; Oliveira; Patterson; Pickett; Place; Price; Puente; Ramsay; Rangel; Raymond; Rodriguez; Romo; Seidlits; Serna; Solis; Stiles; Telford;

Thompson; Tillery; Torres; Turner, S.; Uher; Van de Putte; Wilson; Yarbrough.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Kubiak; Rabuck.

Absent — Willis; Zbranek.

RULES SUSPENDED

Representative Yarbrough moved to suspend all necessary rules to allow the Committee on Economic Development to turn in the minutes from the April 27 formal meeting.

The motion prevailed without objection.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Environmental Regulation, on recess today, Desk 98.

Land and Resource Management, 9:30 a.m. Friday, May 5, speakers committee room, to consider pending business.

Ways and Means, on recess today, Desk 70.

HR 811 - ADOPTED

Representatives Stiles, Price, and R. Lewis moved to suspend all necessary rules to take up and consider at this time **HR 811**.

The motion prevailed without objection.

The speaker laid before the house the following resolution:

By Stiles,

HR 811, Honoring Judge Richard P. LeBlanc, Jr.

The resolution was adopted without objection.

On motion of Representative Price, the names of all the members of the house were added to **HR 811** as signers thereof.

RECESS

Representative Yarbrough moved that the house recess until 10 a.m. tomorrow.

The motion prevailed without objection.

The house accordingly, at 10:52 p.m., recessed until 10 a.m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

Appropriations - **HB 3049**

Business and Industry - **HB 3200**

County Affairs - **HB 1652**

Criminal Jurisprudence - **HB 145, HB 182, HB 710, SB 281**

Economic Development - **HB 622, HB 1706, HB 1978**

Environmental Regulation - **HB 1665**

Financial Institutions - **HB 2163, HB 2406**

Human Services - **SB 212**

Judicial Affairs - **HB 273, HB 757, HB 2801, HB 3203, HB 3235**

Juvenile Justice and Family Issues - **HB 48, HB 1879**

Land and Resource Management - **HB 2133, HB 3082, SB 21**

Licensing and Administrative Procedures - **HB 1655, HB 3021**

Natural Resources - **HB 2139, SB 647, SB 675, SB 1017**

Public Health - **HB 2933**

Public Safety - **HB 243, HB 932, HB 1260, HB 1960, HB 2035, HB 2307, HB 2592, HB 2872, SB 47, SB 337, SB 472**

Rules and Resolutions - **HCR 172, HCR 175, HCR 184, HCR 190, SCR 126, SCR 132 HR 561, HR 566, HR 568, HR 660, HR 661, HR 663, HR 664, HR 665, HR 667, HR 670, HR 674, HR 675, HR 676, HR 679, HR 681, HR 682, HR 687, HR 688, HR 689, HR 690, HR 691, HR 694, HR 696, HR 699, HR 700, HR 701, HR 702, HR 703, HR 704, HR 711, HR 712, HR 728, HR 729, HR 730, HR 731, HR 733, HR 734, HR 736, HR 737, HR 738, HR 739, HR 740, HR 741, HR 742, HR 745, HR 747, HR 751, HR 752, HR 753, HR 754, HR 755, HR 756, HR 757, HR 758, HR 759, HR 760, HR 761, HR 762, HR 763, HR 764, HR 765, HR 766**

State Affairs - **HB 2304, HB 2460, HJR 98**

Transportation - **HB 1619**

Ways and Means - **HB 608, HB 2672, SB 833, SB 1387**

ENGROSSED

May 3 - **HB 129, HB 253, HB 336, HB 369, HB 384, HB 398, HB 418, HB 546, HB 635, HB 740, HB 741, HB 796, HB 809, HB 843, HB 869, HB 955, HB 1013, HB 1259, HB 1275, HB 1320, HB 1345, HB 1419, HB 1441, HB 1479, HB 1495, HB 1536, HB 1589, HB 1608, HB 1644, HB 1661, HB 1719, HB 1753, HB 1765, HB 1785, HB 1899, HB 1900, HB 2053, HB 2065, HB 2119, HB 2151, HB 2176, HB 2197, HB 2216, HB 2268, HB 2309, HB 2318, HB 2365, HB 2390, HB 2459, HB 2462, HB 2468, HB 2525, HB 2587, HB 2599, HB 2669, HB 2805, HB 2839, HB 2929, HB 3032, HB 3211**

May 4 - **HB 594, HB 713, HB 1966, HB 2443**

ENROLLED

May 3 - **HCR 65, HCR 191**

May 4 - **HB 44, HB 462**